The City Council of the City of Raleigh met in regular session on Tuesday, April 17, 1984, at 1:00 p.m. in the City Council Chambers of the Municipal Building, 222 West Hargett Street, with the following persons present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by John T. Caldwell, representative of the Christian Science Church, after which the following matters were discussed with action taken as shown.

Mayor Upchurch indicated that this is the first meeting of the Council in the new Municipal Building pointing out there will be an appropriate dedication at a later date. He recognized former City Manager L. P. Zachary and former Mayor Isabella Cannon to the meeting as well as the architect for the building, F. Carter Williams. Mr. Williams made a few remarks about the building pointing out they tried very hard to make the Council Chamber have a close relationship between the audience and the Council and worked very hard on the acoustics, pointing out the Council Chamber does have an antenna loop for the hearing impaired. He indicated he is very happy to represent, in part, some of those who played a role in designing and constructing of the building.

RECOGNITION OF SPECIAL AWARDS

CONSUMER CREDIT EDUCATION WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Consumer Credit Education Week in the City of Raleigh. Present to receive the proclamation were Karen Gaston, Ruth Maynard, Bob Nelson and Ron Johnson.

VOLUNTEER OF THE MONTH - DR. JULIUS F. NIMMONS

Mayor Upchurch explained the Volunteer of the Month Program and presented the award for this month to Dr. Julius F. Nimmons. He explained Dr. Nimmons' volunteer efforts. Dr. Nimmons was present to receive the award.

FAIR HOUSING MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming April, 1984, as Fair Housing Month in the City of Raleigh. He pointed out April, 1984, celebrates the sixteenth anniversary of the passage of the Fair Housing Act of 1968. Don Harris, Director of the City's Department of Human Resources was at the meeting to receive the proclamation.

CERTIFICATES OF APPOINTMENT - MADE

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Raleigh Falls Lake Advisory Technical Committee - Clayton Creager; Housing Appeals Board - James Reavis.

TREE PLANTING PROGRAM - CONTRIBUTION FROM RAINTREE GARDEN CLUB - ACCEPTED

Mrs. Ellender Mills of the Raintree Garden Club was at the meeting and presented the City with a check in the amount of $1,980. She indicated this check is for the 165 trees that were planted along the streets of the Raintree Subdivision. She expressed appreciation to Ben Huyett of the Parks and Recreation Department pointing out he had been very cooperative with the tree planting program in their area. Mayor Upchurch accepted the contribution, expressing appreciation to the Raintree Garden Club for their efforts in beautifying the City.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Ms. Babb requested that the privilege license application relating to the Culture Club be withdrawn. Mr. Congleton requested that the item relating to retention of professional services for management training be withdrawn. Mrs. Cates requested that the item relating to transfer of streets from State system to City system be withdrawn. Mrs. Block requested that the item relating to the Tar Heel Regatta be withdrawn. Without objection, the items were withdrawn. Mr. Congleton moved that Administration's recommendation on the remaining items be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

NEW BERN PLACE PROJECT - RESOLUTION OF INTENT TO CLOSE PORTION OF NEW BERN AVENUE - ADOPTED; RESOLUTION DECLARING NEW BERN PLACE AN ECONOMIC DEVELOPMENT AREA - ADOPTED

As a follow-up to the agreement approved by Council on April 3, 1984, it is necessary to initiate the following actions:

a. The closing of the portion of New Bern Avenue west of Person Street, should be commenced by the adoption of a Resolution of Intent to close and the scheduling of a public hearing for May 15, 1984.

b. The New Bern Place should be declared an Economic Development Area in accordance with local enabling legislation. The appropriate step would be the adoption of a resolution declaring the property to be an Economic Development Area.

Recommendation: It is recommended that the Council adopt these two resolutions. (Copies of the proposed resolutions were be included in Council Members' Agenda packets.) Consent Agenda approval - Congleton/Babb - 8 ayes.

RESOLUTION NO. 1984 - 495

A RESOLUTION OF INTENT TO CONSIDER THE PERMANENT CLOSING OF A PORTION OF NEW BERN AVENUE BETWEEN BLOUNT AND PERSON STREETS

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to permanently close the following portion of New Bern Avenue:

> Beginning at the point of intersection of the western right-of-way line of North Person Street and the northern right-of-way line of New Bern Avenue; thence west along the northern right-of-way line of New Bern Avenue 99.60 feet to a point; thence south across New Bern Avenue approximately 99 feet to a point in the southern right-of-way line of line of New Bern Avenue; thence east along the southern right-of-way line of New Bern Avenue to a point in the northern right-of-way line of East Morgan Street; thence in a northeasterly direction along the northern right-of-way line of East Morgan Street to a point in the western right-of-way line of Person Street; thence north along the western right-of-way line of Person Street to the point of Beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on the 15th day of May, 1984, in the City Council Chambers of the Municipal Building, Raleigh, North Carolina, at 7:00 P.M.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting the above-named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 4/17/84

RESOLUTION NO. (1984) 496

A RESOLUTION TO AUTHORIZE THE FUTURE SALE OF CERTAIN PROPERTY IN THE NEW BERN PLACE PROJECT AREA PURSUANT TO SECTION 2.14(76) OF THE RALEIGH CITY CHARTER

WHEREAS, the General Assembly of North Carolina has granted to the City of Raleigh the authority to participate in economic development projects and to create Economic Development Areas and to exercise special powers and authorities in such areas;

WHEREAS, the City Council has adopted the New Bern Place Plan Amendment to the Downtown East/East Side Redevelopment Plan and that the New Bern Place Project Area is within that portion of downtown Raleigh subject to designation as an Economic Development Area;

WHEREAS, the City of Raleigh is the owner of certain properties located in the City of Raleigh, Wake County, North Carolina, being further described as follows:

> BEGINNING AT THE POINT of intersection of the western right-of-way line of North Person Street with the southern right-of-way line of East Edenton Street; thence along the western right-of-way line of South Person Street south 13°-10'36" west 210.07 feet to a point in the northern right-of-way line of New Bern Avenue; thence along the northern right-of-way line

of New Bern Avenue North 76°-45' west 99.60 feet to a point; thence north 13°-06'-39" east 209.77 feet to a point in the southern right-of-way line of East Edenton Street; thence along the southern right-of-way line of East Edenton Street south 76°-55'-21" east 99.84 feet to the point of BEGINNING. Said land is described according to a plat of survey entitled "Property of City of Raleigh - East Edenton Street," dated June 27, 1983, prepared by Larry L. Chasak, Registered Land Surveyor and recorded in Deed Book 1613, Page 171, and a plat of survey entitled "Property of City of Raleigh - 227 New Bern Avenue," dated June 27, 1983, prepared by Larry L. Chasak, Registered Land Surveyor and recorded in Deed Book 1433, Page 164, both in the Office of the Register of Deeds of Wake County, North Carolina. Furthermore, any residual property within that portion of the New Bern Avenue right-of-way adjacent to the southern property line of the tract described above and designated for future street closing and conveyance to private interests shall also be subject to this resolution.

WHEREAS, the City Council believes that the construction of an Economic Development Project would enhance the value and livability of the downtown area and the entire City of Raleigh;

WHEREAS, the construction of an Economic Development Project will encourage the development of adjoining, adjacent or nearby property which may now be blighted, debilitated or otherwise in need of rehabilitation;

WHEREAS, Martin Development Group, Inc., and the City of Raleigh have conceived a plan and program to improve the above-described property for the general welfare of the City especially for the continued revitalization of the central core area of the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

The City Council finds it in the public interest and beneficial to the general welfare of the City to declare the property described in this resolution to be an Economic Development Area and that City participation in an Economic Development Project connected with the property is appropriate. In order to participate in the project, the City Council hereby authorizes the City to execute the provisions of the contract entered into on April 17, 1984, between the City of Raleigh and Martin Development Group, Inc., including the provisions therein relating to the sale of property to Martin Development Group, Inc.

Adopted: 4/17/84

Effective: 4/17/84

SANITARY SEWER SYSTEM - REQUEST TO EXTEND - APPROVED

A request has been received from Alpha Properties, Inc., to extend the sanitary sewer from the Crabtree Outfall to property located south of U.S. 64 and east of the Beltline. This is in the area that was recently reestablished as a new and separate acreage fee area.

Recommendation: It is recommended that approval be given for this extension by Alpha Properties. Consent Agenda approval - Congleton/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

During the April 3, 1984, Council Meeting, an application for a taxicab owner's permit in the name of Apollo Ombajo, American Cab Company (new individual owner's permit) was approved on a first reading with the understanding the item would be placed on this Agenda for second and final consideration. Administration recommends approval. Consent Agenda approval - Congleton/Babb - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - AIRPORT SHUTTLE SERVICE - APPROVED

During the April 3, 1984, Council Meeting an application from Bhupendra Rai Kapoon, Airport Shuttle Service (new franchise) was approved with the understanding it would be placed on this Agenda for second and final consideration. Administration recommends approval. Consent Agenda approval - Congleton/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - SAFEWAY CAB COMPANY - APPROVED ON FIRST READING

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, this application will be placed on the May 1, 1984, Agenda for second and final consideration.

Franklin Gathuka Gatumbi, Safeway Cab Company (New Individual Owner's Permit). Consent Agenda approval - Congleton/Babb - 8 ayes.

BUDGET AMENDMENTS - FIRE AND UTILITIES DEPARTMENTS - APPROVED - ORDINANCE ADOPTED

The Agenda presented a recommended budget amendment in the Fire Department in the amount of $3,906.40 to use revenue generated by the Raleigh Fire Department to supplement needs in various expense accounts. The Agenda also presented a budget amendment in the amount of $44,880.25 to account for farm income and utilize that

income to acquire equipment to improve nitrogen intake and reduce phosphorus discharge in summer months. Administration recommends approval of the budget amendments as outlined.

Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 331

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reflect acceptance of contribution from Raintree Garden Club:

Revenue:	37-1-0000-0270	Misc. Income	$ 1,980.00
Expense:	37-2-3000-0160	Tree Planting Program	$ 1,980.00

Section 2. That the 1983/1984 Budget be amended as follows to account for farm income and utilize that income to acquire equipment to improve nitrogen uptake and reduce phosphorus discharge in summer months:

Revenue:	06-1-0070-0160	Sale of Farm Products	$44,880.25
Expense:	06-2-7050-0750	Irrigation Equipment	$44,880.25

Section 3. That the 1983/1984 Budget be amended as follows to use revenue generated by Raleigh Fire Department to supplement needs in the areas listed:

Revenue:	01-1-0070-0200	Misc. Income	$ 3,906.40
Expense:	01-2-4110-0233	Maintenance & Operation	$ 1,500.00
	01-2-4110-0700	Equipment	806.40
	01-2-4130-0225	Bldg. & Structure	1,600.00

Adopted: 4/17/84

W. S. 1983-1 - WATER CONTRACT - RETAINAGE REDUCTION AUTHORIZED

This is a request for reduction of retainage on Contract WS 1983-1, Water Contract. This is for the 30-inch water main installation in Winton Road in conjunction with the Atlantic Avenue project. The retainage reduction is from 10% to 5%. The project is over 80% completed.

Recommendation: Approval of this request is recommended. Consent Agenda approval - Congleton/Babb - 8 ayes.

CIVIC CENTER - ITEM OF INFORMATION - RECEIVED

Approval has been granted for rent-free use of the Civic Center on May 30, 1984, from 9:30 a.m. to 4:00 p.m., for the City's Conference of Transportation Advisory Committee Members from fifteen major urban areas. The item was received without comment.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packets a list of administrative transfers which have been approved by the City Manager according to Council procedure. All of these items are within account divisions. Concurrence with the Manager's actions is recommended. Consent Agenda approval - Congleton/Babb - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
01-2-1040-230	01-2-1160-230	$350.00
01-2-6010-269	01-2-6010-221	950.00
01-2-1230-281	01-2-1230-730	880.00
01-2-3060-226	01-2-3060-226	300.00
18-2-0520-260	18-2-0520-243	25.00
18-2-0100-260	18-2-0100-243	$ 25.00
19-2-8030-200	19-2-8030-221	200.00
19-2-8090-260	19-2-8090-101	400.00
18-2-0510-260	18-2-0510-243	25.00
01-2-1040-001	01-2-1010-231	700.00
01-2-1040-001	01-2-1110-702	298.00
02-2-2010-700	02-2-1020-231	800.00
43-2-5080-100	43-2-5051-100	187.00
19-2-8240-534	19-2-8240-231	100.00
43-2-5090-226	43-2-5090-213	150.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers for purposes as stated therein in the budgets of the Civic Center, Community Development, Fire Department, Human Resources, Inspections, Police, Public Utilities, Public Works and the Department of Transportation. Administration recommends approval of the transfers as outlined. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 332 TF 20.

BIDS - EAST DAVIE STREET AREA - CD PROJECT - BID AWARDED TO GELDER AND ASSOCIATES, INC.

After re-advertisement, bids for the East Davie Street Project were publicly opened on April 4, 1984. The following bid was received:

Gelder and Associates, Inc. $133,390.50

The cost estimate developed by Boney and Associates, the engineers for this project, was $137,385. After comparing their estimate with the bids received, Boney and Associates recommends that the bid submitted by Gelder and Associates, Inc., be accepted. No transfer of funds will be necessary.

Recommendation: Administration recommends that the bid be awarded to Gelder and Associates, Inc. Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-61 - AIR COMPRESSOR - BID AWARDED TO MITCHELL DISTRIBUTING COMPANY

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on April 10, 1984, for an air compressor, less trade, with results as follows: Mitchell Distributing Company - $7,850; North Carolina Equipment Company - $9,232; A. E. Finley and Associates - $9,791. Administration recommends the low bid submitted by Mitchell Distributing Company be awarded. Consent Agenda approval - Congleton/Babb - 8 ayes.

BID REQUEST 83-63 - SEWER PIPE - BID AWARDED TO PYCO SUPPLY COMPANY

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on April 10, 1984, for 8,250 feet of 8-inch sewer pipe with results as follows: PYCO Supply Company - $18,562.50; Ferguson Supply Company - $18,810; Southern Meter and Supply - $18,975; Davis Meter and Supply Company, Inc. - $19,222.50; Noland Company - $20,943.45. Administration recommends the low bid submitted by PYCO Supply Company be awarded. Consent Agenda approval - Congleton/Babb - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended traffic changes relating to Cabarrus Street between Salisbury Street and Wilmington Street, 15-Minute Parking Zone removal on Hargett Street, lane channelization on Popular Wood Court at Highwoods Boulevard; Loading Zones on West Jones Street, No Parking on Dartmouth Road and Passenger Loading Zones relating to Falstaff Road and Peyton Street. The Agenda also presented recommendations relating to a street closing in connection with the Peace College graduation. Administration recommends approval of the items as outlined on the Agenda. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 333

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. Delete from the following traffic schedules:

Schedule No. 6C5 (Channelization):
Cabarrus Street at Salisbury Street

Schedule No. 6B10 (Channelization):
Cabarrus Street at Wilmington Street

Schedule No. 6C15 (Channelization):
Cabarrus Street at Salisbury Street

Schedule 13 (No Parking Any Time):
Cabarrus Street, north side, beginning at Salisbury Street eastward 150 feet
Cabarrus Street, south side, from Salisbury Street eastward 175 feet

Schedule 15D (2-Hour Parking):
Cabarrus Street, both sides, between Blount Street and McDowell Street

Schedule 16 (Passenger Loading Zone):
Cabarrus Street, south side, beginning at a point 192 feet east of Salisbury Street, day and night, eastward 170 feet

Section 2. Add the following:

Schedule No. 6C14 (Channelization):
Cabarrus Street at Salisbury

Schedule No. 15D (2-Hour Parking):
Cabarrus Street, both sides between McDowell Street and Salisbury Street

Schedule No. 15D (2-Hour Parking):
Cabarrus Street, both sides, between Wilmington Street and Blount Street

Section 3. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 4/17/84

Effective: 4/17/84

ORDINANCE NO. (1984) 334

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 6B5 entitled "CHANNELIZATION" be amended by adding the following:

Poplarwood Court at Highwoods Boulevard

Section 2. That Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Dartmouth Road, north side, from Amhurst Lane, eastward 125 feet

Falstaff Road, north side, from Sunnybrook Road, westward 46 feet

Section 3. That Schedule No. 15A entitled, "FIFTEEN MINUTE PARKING," be amended by deleting the following:

Hargett Street, north side, beginning at a point 325 feet west of West Street, westward 60 feet

Section 4. That Schedule No. 16 entitled, "PASSENGER LOADING AND UNLOADING ZONE," be amended by adding the following:

Fallstaff Road, north side, beginning at a point 46 feet west of Sunnybrook Road, westward 186 feet

Amend said Schedule further by adding the following:

Peyton Street, east side, 7:30 to 9:00 a.m. and 2:00 to 4:00 p.m., school days, beginning at a point 220 feet south of Poole Road, southward 235 feet

Section 5. That Schedule No. 17 entitled, "MATERIALS LOADING AND UNLOADING ZONE" be amended by adding the following:

Jones Street, north side, from West Street, eastward 50 feet

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective April 24, 1984.

Adopted: 4/17/84

Effective: 4/24/84

ORDINANCE NO. (1984) 335

AN ORDINANCE TO TEMPORARILY CLOSE PORTIONS OF PEACE STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Peace Street between Blount Street and Halifax Street be closed on Saturday, May 12, 1984, from 10:15 a.m. until approximately 12:30 p.m. for graduation ceremonies at Peace College.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance, being transitory in nature, shall be effective only as indicated in Section 1.

Adopted: 4/17/84

Effective: See Section 1

END OF CONSENT AGENDA

PRIVILEGE LICENSE APPLICATION - THE CULTURE CLUB - REFERRED TO LAW AND FINANCE COMMITTEE

This is a privilege license application for "The Culture Club," located at 605 West Morgan Street. The owner, Frank Davis Thompson, is the individual making application. City Code Sections 2-2032(2), (3), (5) and 12-2118(3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center.

The Police Department report recommends disapproval.

The Inspections Division report recommends conditional approval.

Recommendation: Administration recommends disapproval of this privilege license application.

Ms. Babb moved that this item be referred to Law and Finance Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TAR HEEL REGATTA - CITY STAFF TO MONITOR - AGREEMENT APPROVED

Each year, the Tarheel Regatta is held at Lake Wheeler and is sponsored by the Optimist Club. It is necessary that an agreement be approved for the use of Lake Wheeler. Council Members received a copy of the agreement in the Agenda packet.

The document has been approved by the State Division of Health Services and the Utilities Director.

Recommendation: It is recommended that the Council approve the execution of the agreement concerning the Tarheel Regatta.

Ms. Block indicated that she asked that this be withdrawn from the Consent Agenda indicating she would like for someone to explain what protection is being given relating to lead gasoline spills. City Manager Benton indicated the agreement has been that the Optimist Club would have someone assigned to properly monitor the spills. Ms. Block questioned if we have someone in the Parks Department that will check on it with Mr. Benton pointing out that the Park's staff people will monitor it throughout the event. Ms. Block indicated she just wanted to make sure that proper attention was given to protect the lake against gasoline spills pointing out this is a water supply. She stated that with that condition she would move approval of the agreement. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STATE SYSTEM STREETS - TRANSFERRED TO CITY SYSTEM

The City annexation efforts of 1983 resulted in several streets being annexed. These streets have been maintained by the State. As in the past, the City should request that these streets be transferred to the City for maintenance. The streets are:

(a) Animal Hospital Drive (SR 1665) from Pleasant Valley Road to U. S. 70 West,

(b) Pleasant Valley Road (SR 1666) from U.S. 70 West to Duraleigh Road,

(c) Deep Hollow Drive (SR 1767) from Duraleigh Road east to existing Deep Hollow Drive,

(d) Calvary Drive (SR 2146) from U.S. 1 North to U.S. 401 North,

(e) Whitehall Drive (SR 2079) from Millbrook Road south to dead end,

(f) In addition, the following street is within the City limits and is proposed to be removed from the State system: Faircloth Road from Hillsborough Street to Wade Avenue.

Recommendation: It is recommended that the City Council adopt a resolution requesting the N.C. Department of Transportation to remove these streets from the State system and that the City would accept maintenance of these streets.

Mrs. Cates questioned if it is to the City's advantage to accept maintenance of these streets. City Manager Benton indicated the Powell Bill allocation is based on the mileage of City Streets, therefore, we do receive some benefits. The cost effectiveness of the streets being on the City's system was discussed with City Manager Benton indicating when an area is annexed, we look at the streets in that area and the ones that handle traffic in the area are normally transferred to the City system. The ones that are considered thoroughfare-type streets are left on the State system.

After other discussion, Mrs. Cates moved approval of the recommendation as outlined. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 497

A RESOLUTION REQUESTING THE STATE HIGHWAY COMMISSION TO MAKE DELETIONS DESCRIBED HEREIN FROM THE STATE HIGHWAY STREET SYSTEM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the State Highway Commission be and it is, by this resolution, requested to delete the following streets from State Highway System:

(a) Animal Hospital Drive (SR 1665) from Pleasant Valley Road to U.S. 70 West

(b) Pleasant Valley Road (SR 1666) from U.S. 70 West to Duraleigh Road

(c) Deep Hollow Drive (SR 1767) from Duraleigh Road east to existing Deep Hollow Drive

(d) Calvary Drive (SR 2146) from U.S. 1 North to U.S. 401 North

(e) Whitehall Drive (SR 2079) from Millbrook Road south to dead end

(f) In addition, the following street is within the City Limits and is proposed to be removed from the State System: Faircloth Road from Hillsborough Street to Wade Avenue

Section 2. That a copy of this resolution shall be furnished to the State Highway Commission.

Adopted: 4/17/84

MANAGEMENT TRAINING - HAYES AND ASSOCIATES TO BE RETAINED

The Personnel Department is preparing for a spring management training program. One of the firms identified to provide a portion of this staff education effort is Hayes and Associates.

Recommendation: It is recommended that approval be given to retain the firm of Hayes and Associates to provide training services amounting to a total of eight days to serve 100 participants at a cost not to exceed $13,500 plus direct travel costs. Funds are budgeted.

Mr. Congleton asked for an explanation as to what this project involves. City Manager Benton indicated in the annual budget the City Council allocated some $20,000 for management training each year. He indicated the City has put together a Management Education Program and has solicited proposals for this training. He indicated Hayes and Associates has been used by the City before. He stated that they have a good track record with public as well as private entities. Mr. Congleton questioned why the City does not use the Institute of Government with Mr. Benton pointing out we do, however, using this route allows a little more variety. In response to questioning, he indicated Hayes and Associates is located in Winston-Salem. Mr. Congleton moved approval of the Manager's recommendation as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SPECIAL ITEMS

REZONING Z-44-84 - RALEIGH BOULEVARD - REZONED TO RESIDENTIAL-6

This was a request for approval to rezone approximately 22.9 acres from Office and Institution-III to Residential-15 (20.71 acres) and Conservation/Buffer (2.16 acres) being a 30 foot strip of land along the north, east, and south sides.

CR-5014 from the Planning Commission recommended that Z-44-84 be approved as amended; that is, that the property contained in Z-44-84 be rezoned to Residential-10 with a 40-foot Conservation/Buffer on the north, east, and south sides of the request.

During the April 3, meeting, discussion took place on this item, however, no motions or actions were taken other than direct that it be placed on this Agenda for further consideration.

Planning Director Chapman explained the case and the Planning Commission's recommendation. Mr. Walters indicated during the last meeting he was the one that asked that this item be placed on this Agenda. He indicated practically the entire surrounding area is developed with single-family detached homes. He explained many are not on quarter-acre lots however. He explained it is his understanding that a rezoning request will come in from the surrounding area to request that this property be rezoned to the way it is developed, that is Residential-6. He indicated he had talked with the petitioner in this case and they are in agreement and are willing to accept Residential-6 zoning without any buffer, therefore, he would move that all of the property covered by rezoning application Z-44-84 be rezoned to Residential-6.

His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 336 ZC 138.

TC-263 - SITE PLAN APPROVAL IN O&I-I, BUFFER/COMMERCIAL, NEIGHBORHOOD BUSINESS DISTRICTS - APPROVED; CRITERIA FOR PERFORMANCE STANDARDS - REFERRED TO STAFF FOR REPORT TO WORK SESSION; ADDITIONAL PERSONNEL IN PLANNING DEPARTMENT - REFERRED TO ADMINISTRATION

This was a request for approval to amend Chapter 10 of the City Code to require that none of the uses authorized for Office and Institution-I, Buffer/Commercial, or Neighborhood Business be permitted until a site plan showing the proposed development of the area has been approved by the Council after a recommendation thereon has been made by the City Planning Commission.

CR-5018 from the Planning Commission recommends that TC-263 be approved as written.

This item was on the April 3, 1984, Council Agenda and no action was taken on the proposed text change other than direct that it be placed on this Agenda for further action. Administration was asked to review the proposed text change and bring a recommended plan for implementation of this text change, if approved by the City Council. It would be appropriate to receive Administration's report and take action on the proposed text change.

Planning Director Chapman indicated he had sent Council Members a memo dated April 13 and that his recommendation was that the City Council consider amending Text Change 263 and readvertise it for the May zoning hearings. He indicated these amendments would include the addition of design and performance standards similar to those incorporated into the City's Thoroughfare District. These standards were given careful and detailed consideration by the Planning Commission and represent guidelines that seem to accommodate the interest of all parties in the development process. He indicated modifying TC-263 to incorporate some of the performance standards contained in the thoroughfare district is an opportunity for the Council to achieve a major step in its stated desire to move toward more specific performance standards throughout the Zoning Code. He indicated if this recommendation is followed, it would be early June before it could be enacted as a new public hearing would be required. He indicated an alternative to this is that if the Council desires to adopt TC-263 as currently written, there are several minor amendments that should be included to expedite the approval process. He indicated since many owners of buildings existing in O&I-I and Neighborhood Business may desire to do limited expansion, change the use, or undertake cosmetic improvements, it is important to define which situation will require a full site plan approval process in order to avoid any undue delays for minor alterations. He indicated he had sent Council Members an amendment which defines circumstances where site plan approval is required and in instances when expansion of 5% or less of an approved building is requested, the site plan could be approved administratively if certain conditions are met. He indicated he would also suggest the effective date of May 31 which would give adequate time for builders to be made aware of the new site plan requirements and allow them to adjust their plans to accommodate the site plan review schedule.

Mr. Chapman indicated the third part of his memo dealt with the need for a new Planner I position to handle the increased work load created by TC-263. He gave information on the number of subdivisions, plan approvals, street closings, etc., over the past period and the projected increase if TC-263 is approved pointing out it is felt that this text change would increase the work load by about 15 per month and the total of items to be reviewed would increase by 75% in total. He indicated in order to maintain the same schedule for submittals and approvals, he feels it will be necessary to add a Planner I.

Mr. Upchurch indicated he liked the idea of performance standards and if we went with that, would we still need an additional staff person with Mr. Chapman indicating we would definitely need the additional staff person but adding the performance standards would save City Council and Planning Commission time and make it easier and quicker for the public to get approvals. Mrs. Block indicated she felt the Planning Director had done a real good job and she would like to make a three part motion. Mrs. Block moved approval of TC-263 with the addition of the minor changes as listed in Mr. Chapman's memo with the understanding that TC-263 would be effective May 31, 1984. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 337 TC 214

AN ORDINANCE TO REQUIRE SITE PLAN APPROVAL IN OFFICE AND INSTITUTION-I, BUFFER/COMMERCIAL, AND NEIGHBORHOOD BUSINESS ZONING DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. The title to Section 10-2033 of the Raleigh City Code is repealed, rewritten, and reenacted to read as follows: "Sec. 10-2033. Office and Institution-I district - Permitted Uses.".

Section 2. Subsection 10-2033(g) of the Raleigh Code is hereby repealed, rewritten, and reenacted to read as follows:

"(g) Country clubs, golf courses, pools, tennis; basketball; raquetball courts, weight and exercise rooms, indoor ice skating rinks, and indoor roller skating rinks all operated for profit when:

1. The site has direct access to a thoroughfare as defined in 10-3033 of this code; and

2. No improvements, structures, parking areas, play areas or equipment is located closer than two hundred (200) feet from any adjoining or adjacent property residentially zoned unless at the time the improvements are made a screen consisting of planting materials, fences, or berms is installed which will uniformly reduce the horizontal view from adjoining or adjacent lots at least seventy-five percent (75%) to a height of at least six (6) feet above the ground elevation. If plant materials are used, this standard shall be achieved within three (3) years from initial planting. If a fence or wall is used for screening, plantings on the outside of the fence or wall shall be installed which will hide the horizontal view of the fence or wall by more than fifty percent (50%) within three years from installation of the fence or wall. If said screen is installed, the two-hundred foot setback and buffer shall be reduced to one-hundred (100) feet from any outdoor swimming pool (including the apron and accessory buildings or uses) and fifty (50) feet from all other improvements. These buffer areas may be used for such activities as natural areas, jogging trails, nature trails and picnic areas.

The screening and yard standards established herein shall not be required in industrial zoning districts.

Bat-aways, driving ranges, giant slides, go-cart courses, outdoor ice skating rinks, outdoor roller skating rinks, miniature golf or "putt-putt" courses, rifle ranges, skeet shooting areas, ski mobile courses, trampolines, outdoor theaters, water slides or similar uses are prohibited in that they create undue concentration of traffic and noise and are unsuitable uses in office and institution-I, office and institution-II, office and institution-III, buffer commercial, shopping center, neighborhood business, and business zoning districts.".

Section 3. The Raleigh City Code is hereby amended to add a new subsection, 10-2033.1, to follow subsection 10-2033(h) relating to telecommunications towers. The new section shall read as follows:

"Sec. 10-2033.1 Same - site plan approved.

(a) None of the uses authorized for office and institution-I district shall ber permitted until a site plan showing the proposed development of the area has been approved by the council after a recommendation thereon has been made by the city planning commission. The site plan shall show the approximate dimensions of the following features and shall meet all other applicable requirements of this chapter.

(1) The location and general exterior dimensions of all principal buildings, signs, and any accessory buildings; and

(2) The location, arrangement, and dimensions of automobile parking spaces, width of aisles, width of bays, and angle parking; and

(3) The location and dimensions of all vehicular drives, entrances and exits; and

(4) The location, arrangement, and dimensions of all truck loading and unloading spaces and docks; and

(5) Existing and proposed landscaping; and

(6) The location and dimensions of all pedestrian entrances, exits, and sidewalks; and

(7) The location of other site features such as drainage systems, walls, fences, ground cover, general landscape features, and topography.

However, no site plan shall be required to be submitted for:

a. Interior improvements to existing structures or buildings not requiring additional off-street parking;

b. Exterior improvements or repairs to existing structures or buildings which do not require additional off-street parking or affect signage, landscaping, vehicular or pedestrian circulation, utilities, drainage or exterior lighting;

c. Changes in use which do not require additional off-street parking.

(b) The council may refuse to approve a site plan on the grounds that it fails to provide unity of development with other properties, it fails to protect the public from a dangerous arrangement of vehicle and pedestrian ways, or that it fails to adequately protect other property from any adverse effects of an office operation. After approval, a copy of the approved plans shall be filed with the department of inspections, and no building permit shall be issued except in conformity with the plan.

(c) The planning director may approve, without city council or planning commission review, site plans or amendments to approved site plans which satisfy the following requirements:

(1) Expansion of an existing building or structure, or construction of an accessory building or structure, representing five percent or less of the floor area of the existing buildings or structures on the lot or project; or

(2) Alteration of an approved site plan which involves expansion of an approved building or structure, or the addition of an accessory building or structure representing five percent or less of the floor area of the approved buildings or structures on the site plan; or

(3) Expansion or changes in off-street parking of less than five percent of the area of existing or approved parking consistent with 10-2061; or

(4) Minor alterations of other features, including relocation of buildings or uses on an approved site plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards; or

(5) Alterations to signs which conform to 10-2065 through 10-2066.4 inclusive.

The planning director must make the following findings before approving such a site plan or an amendment to a site plan:

a. The landscaping or screening on the site, or on the approved site plan, is not diminished; and

b. The off-street parking is not reduced below the minimum required by this code; and

c. The number of access points to public streets is not increased nor substantially relocated; and

d. The circulation pattern provides for a safe, controlled and orderly flow of pedestrians or vehicles; and

e. The changes or additions do not require subdivision approval or otherwise violate any provision of this code.".

Section 4. To assure uniformity, Raleigh City Code subsections 10-2035(a)(1) through (7) and 10-2038(a)(1) through (7) are amended to read the same as 10-2033.1(a)(1) through (7), and the last paragraph of 10-3033.1(a) beginning with the word "However" is added as a new paragraph at the end of 10-2035(a) and 10-2038(a). Sections 10-2035 and 10-2038 are further amended to add a new subsection, (c), which shall read the same as subsection 10-2033.1(c).

Section 5. The Raleigh City Code is hereby amended to add a new section, 10-2042.1, which shall follow section 10-2042(5) and shall read as follows:

"Sec. 10-2042.1. Same - Site plan approved.

(a) None of the uses authorized for a buffer commercial district shall be permitted until a site plan showing the proposed development of the area has been approved by the council after a recommendation thereon has been made by the city planning commission. The site plan shall show the approximate dimensions of the following features and shall meet all other applicable requirements of this chapter.

(1) The location and general exterior dimensions of all principal buildings, signs, and any accessory buildings; and

(2) The location, arrangement, and dimensions of automobile parking spaces, width of aisles, width of bays, and angle parking; and

(3) The location and dimensions of all vehicular drives, entrances and exits; and

(4) The location, arrangement, and dimensions of all truck loading and unloading spaces and docks; and

(5) Existing and proposed landscaping; and

(6) The location and dimensions of all pedestrian entrances, exits, and sidewalks; and

(7) The location of other site features such as drainage systems, walls, fences, ground cover, general landscape features, and topography.

However, no site plan shall be required to be submitted for:

a. Interior improvements to existing structures or buildings not requiring additional off-street parking;

b. Exterior improvements or repairs to existing structures or buildings which do not require additional off-street parking or affect signage, landscaping, vehicular or pedestrian circulation, utilities, drainage or exterior lighting;

c. Changes in use which do not require additional off-street parking.

(b) The council may refuse to approve a site plan on the grounds that it fails to provide unity of development with other properties, it fails to protect the public from a dangerous arrangement of vehicle and pedestrian ways, or that it fails to adequately protect other property from any adverse effects of a buffer commercial operation. After approval, a copy of the approved plan shall be filed with the department of inspections, and no building permit shall be issued except in conformity with the plan.

(c) The planning director may approve, without city council or planning commission review, site plans or amendments to approved site plans which satisfy the following requirements:

(1) Expansion of an existing building or structure, or construction of an accessory building or structure, representing five percent or less of the floor area of the existing buildings or structures on the lot or project; or

(2) Alteration of an approved site plan which involves expansion of an approved building or structure, or the addition of an accessory building or structure, representing five percent or less of the floor area of the approved buildings or structures on the site plan; or

(3) Expansion or changes in off-street parking of less than five percent of the area of existing or approved parking consistent with 10-2061; or

(4) Minor alterations of other features, including relocation of buildings or uses on an approved site plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards; or

(5) Alterations to signs which conform to 10-2065 through 10-2066.4 inclusive.

The planning director must make the following findings before approving such a site plan or an amendment to a site plan:

a. The landscaping or screening on the site, or on the approved site plan, is not diminished; and

b. The off-street parking is not reduced below the minimum required by this code; and

c. The number of access points to public streets is not increased nor substantially relocated; and

d. The circulation pattern provides for a safe, controlled and orderly flow of pedestrians or vehicles; and

e. The changes or additions do not require subdivision approval or otherwise violate any provision of this code."

Section 6. Section 10-2044(1)b.6 of the Raleigh City Code is hereby amended to change the code reference therein from 10-2044(3) to 10-2044.1.

Section 7. Subdivisions a. and b. of subsection 10-2044(3) of the Raleigh City Code relating to site plan approval for shopping areas in neighborhood business zoning districts are recodified as subsection 10-2045(3) subdivisions a. and b. Subdivision c. of subsection 10-2044(3) relating to site plans for emergency shelters is repealed. Subsection 10-2044(4) of the Raleigh City Code relating to shielding floodlighting is relettered 10-2044(3).

Section 8. The Raleigh City Code is hereby amended to add a new section, 10-2044.1, which shall follow 10-2044(3) relettered, and shall read as follows:

"Sec. 10-2044.1. Same - Site plan approved.

(a) None of the uses authorized for a neighborhood business district shall be permitted until a site plan showing the proposed development of the area has been approved by the council after a recommendation thereon has been made by the city planning commission. The site plan shall show the approximate dimensions of the following features and shall meet all other applicable requirements of this chapter.

(1) The location and general exterior dimensions of all principal buildings, signs, and any accessory buildings; and

(2) The location, arrangement, and dimensions of automobile parking spaces, width of aisles, width of bays, and angle parking; and

(3) The location and dimensions of all vehicular drives, entrances and exits; and

(4) The location, arrangement, and dimensions of all truck loading and unloading spaces and docks; and

(5) Existing and proposed landscaping; and

(6) The location and dimensions of all pedestrian entrances, exits, and sidewalks; and

(7) The location of other site features such as drainage systems, walls, fences, ground cover, general landscaping features, and topography.

However, no site plan shall be required to be submitted for:

a. Interior improvements to existing structures or buildings not requiring additional off-street parking;

b. Exterior improvements or repairs to existing structures or buildings which do not require additional off-street parking or affect signage, landscaping, vehicular or pedestrian circulation, utilities, drainage or exterior lighting;

c. Changes in use which do not require additional off-street parking.

(b) The Council may refuse to approve a site plan on the grounds that it fails to provide unity of development with other properties, it fails to protect the public from a dangerous arrangement of vehicle and pedestrian ways, or that it fails to adequately protect other property from any adverse effects of a neighborhood business operation. A site plan for an emergency shelter may be denied if it is found that the location of the proposed facility in relation to similar facilities, group care facilities or family care facilities will create a de facto social service or welfare district to the detriment of the neighborhood. After approval, a copy of the approved plan shall be filed with the department of inspections and no building permit shall be issued except in conformity with the plan.

(c) The planning director may approve, without city council or planning commission review, site plans or amendments to approved site plans which satisfy the following requirements:

(1) Expansion of an existing building or structure, or construction of an accessory building or structure, representing five percent or less of the floor area of the existing buildings or structures on the lot or project; or

(2) Alteration of an approved site plan which involves expansion of an approved building or structure, or the addition of an accessory building or structure representing five percent or less of the floor area of the approved buildings or structures on the site plan; or

(3) Expansion or changes in off-street parking of less than five percent of the area of existing or approved parking consistent with 10-2061; or

(4) Minor alterations of other features, including relocation of buildings or uses on an approved site plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards; or

(5) Alterations to signs which conform to 10-2065 through 10-2066.4 inclusive.

The planning director must make the following findings before approving such a site plan or an amendment to a site plan:

a. The landscaping or screening on the site, or on the approved site plan, is not diminished; and

b. The off-street parking is not reduced below the minimum required by this code; and

c. The number of access points to public streets is not increased nor substantially relocated; and

d. The circulation pattern provides for a safe, controlled and orderly flow of pedestrians or vehicles; and

e. The changes or additions do not require subdivision approval or otherwise violate any provision of this code.".

Section 9. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 11. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 12. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 13. This ordinance shall become effective May 31, 1984.

Adopted: April 17, 1984

Effective: May 31, 1984

Mrs. Block moved that the Council refer this item to staff to develop performance standards as suggested by Mr. Chapman and bring these to the City Council in a work session - indicating she is talking about criteria to make this easier to administer. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mrs. Block moved that the Council refer to Administration the request for an additional Planner I to be put in the budget process. Mr. Calloway questioned if delaying it until the new budget would cause any problems. Discussion took place on the possibility of adding the position at this time, the fact that the Planning Department is in the process of hiring people that have already been authorized that are not on Board, etc., after which Mrs. Block restated her motion to refer to Administration the request for additional personnel in the Planning Department to administer TC-263 and related items to Administration to bring through the regular budget process. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Congleton requested that CR-5030 (S-49-84) be withdrawn. Mrs. Cates requested that CR-5031 (SC-228) be withdrawn. Mr. Calloway requested that CR-5021 (S-34-84) be withdrawn. Without objection, these items were withdrawn. Mr. Congleton moved approval of the Planning Commission's recommendation on the remaining items on the Consent Agenda. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission's Consent Agenda were as follows:

S-14-84 - BROUGHTON FARM - APPROVED WITH CONDITION

This was a request for approval to subdivide an 80.37 acre tract, zoned Office and Institution-III, Industrial-I and Residential-6, into 39 lots. The site is currently under development with a non-residential project.

The property is located on the east side of US Highway 1, opposite Oak Forest Drive, outside the City Limits.

CR-4086 from the Planning Commission recommended that this request be approved according to a map entitled, "Broughton Farm," the property of J. Melville Broughton, Jr., drawn by Triangle Engineering Service, Incorporated, dated January 22, 1984, with the following conditions: (1) That there be one shared driveway between Lots 31 and 32 and that the cross-access agreements be reviewed and approved by the City Attorney's Office prior to recording these final plats; (2) that no plats be recorded prior to verifying the capacity of the treatment plant; (3) that a stormwater management plan and program be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; (4) that all associated development fees required in the Perry Creek drainage area be paid when the project is developed, and all requirements of the Perry Creek Policy apply to this subdivision; and (5) that there be a recombination so that the total street

frontage adjoining Oak Forest Drive is at least 1,200 feet. Consent Agenda approval - Congleton/Walters - 8 ayes.

S-26-84 - TURTLE COVE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a previously approved condominium project into two (2) parcels. Phase 1 consists of 0.9 acre, 16 units, zoned Residential-20, and Phase 2 consists of 3.4 acres, 48 units, zoned Residential-20.

The property is located on the south side of Forest Oaks Drive, at the intersection of Timber Ridge Drive, inside the City Limits.

CR-5020 from the Planning Commission recommended that this request be approved according to a map entitled, "Turtle Cove," the property of Dan C. Austin, drawn by Capitol Design, dated September 27, 1983, with the condition that the cross-access and parking agreements be reviewed and approved by the City Attorney's Office and recorded prior to recording the final plats. Consent Agenda approval - Congleton/Walters - 8 ayes.

SUBDIVISION S-37-84 - PYLON PARK OFFICE CONDOMINIUMS - APPROVED

This was a request for approval to construct a 12,030 square foot office condominium project consisting of one (1) building on a 1.0 acre parcel which is currently undeveloped and zoned Industrial-II.

The property is located on the south side of Pylon Drive, just west of Ridgefield Drive, inside the City Limits.

CR-5022 from the Planning Commission recommended that this request be approved according to a map entitled, "Pylon Park Office Condominiums," the property of Pylon Park Associates, drawn by Walter Davis, AIA, dated March 22, 1984. Consent Agenda approval - Congleton/Walters - 8 ayes.

SUBDIVISION S-38-84 - BARRETT DRIVE OFFICE CONDOMINIUMS - APPROVED

This was a request for approval of a 20,000 square foot office condominium development consisting of four (4) buildings on 2.2 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Barrett Drive, just south of Browning Place, inside the City Limits.

CR-5023 from the Planning Commission recommended that this request be approved according to a map entitled, "Barrett Drive Office Condominiums," the property of Algie Stephens, drawn by Envirotek, Incorporated, dated March 1, 1984. Consent Agenda approval - Congleton/Walters - 8 ayes.

SUBDIVISION S-39-84 - QUARTERPATH TRACE, PHASE 2 - APPROVED WITH CONDITIONS

This was a request for approval of 38 townhouse units on 7.6 acres which are a part of Thorpeshire Farm Planned Unit Development, and currently undeveloped and zoned Residential-4.

The property is located on the southeast corner of Falls of the Neuse Road and Thorpshire Drive, inside the City Limits.

CR-5024 from the Planning Commission recommended that this request be approved according to a map entitled, "Quarterpath Trace, Phase 2," the property of CBS Partnership, drawn by Jerry Turner and Associates, dated March 1, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that the developer conform to all standards set forth in the Perry Creek Development Policy, and (3) that a stormwater management plan and program be developed that would insure that there would be a minimal adverse impact on downstream water quality and be approved by the City's Soil Conservation Staff and the Planning Department. Consent Agenda approval - Congleton/Walters - 8 ayes.

SUBDIVISION S-42-84 - A. E. FERGUSEN ESTATE - APPROVED WITH CONDITION

This was a request for approval to subdivide a 6.9 acre tract into two (2) lots, zoned Residential-4. The site is currently developed with a single-family unit.

The property is located on the south side of Strickland Road, just west of NC 50 (Creedmoor Road), outside the City Limits.

CR-5025 from the Planning Commission recommended that this request be approved according to a map entitled, "A. E. Fergusen Estate," the property of A. E. Fergusen Estate, drawn by J. O. Parrish, dated February 25, 1984, with the condition that the subdivider dedicate the additional 15 feet of right-of-way along Lot 2 in conformance with Code Sections 10-3018 and 10-3049(c). Consent Agenda approval - Congleton/Walters - 8 ayes.

SUBDIVISION S-44-84 - NORTH RIDGE VILLAS, PHASE 10 - APPROVED WITH CONDITION

This was a request for approval to construct 24 townhouse units on 4.13 acres which are currently undeveloped and zoned Residential-6.

The property is located on the north side of Volant Drive, just east of Carlos Drive, inside the City Limits.

CR-5027 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Villas, Phase 10," the property of North Hills, Incorporated, drawn by Castleberry-Edgerton Company, dated March 23, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/ Walters - 8 ayes.

SUBDIVISION S-46-84 - PUBLIC STORAGE, INCORPORATED - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 4.05 acre parcel which is currently undeveloped and zoned Industrial-I into two (2) lots.

The property is located on the east side of US 1 North, just south of Spring Forest Road, inside the City Limits.

CR-5028 from the Planning Commission recommended that this request be approved according to a map entitled, "Public Storage, Incorporated," the property of Bass, Nixon and Kennedy, dated September 6, 1983, with the following conditions: (1) That there be a joint driveway onto US 1 North serving both lots, and (2) that the cross-access agreements be reviewed and approved by the City Attorney's Office, and recorded, prior to issuance of a building permit. Consent Agenda approval - Congleton/ Walters - 8 ayes.

SUBDIVISION S-48-84 - DEACON'S CREST CONDOMINIUM PROJECT - APPROVED

This was a request for approval to construct 96 residential condominium units consisting of four (4) buildings on 4.1 acres which are part of the Methodist Home Property and zoned Office and Institution-I.

The property is located at the southern corner of St. Mary's Street and Wade Avenue, inside the City Limits.

CR-5029 from the Planning Commission recommended that this request be approved according to a map entitled, "Deacon's Crest Condominium Project," the property of Martin McInnis Hines, drawn by Jerry Turner and Associates, dated March 23, 1984. Consent Agenda approval - Congleton/Walters - 8 ayes.

SC-231 - HUNT TIRE COMPANY ADDITIONS AT TOWER SHOPPING CENTER - APPROVED

This was a request for approval to construct a 1,013 square foot addition onto an existing structure in a shopping area, zoned Neighborhood Business.

The property is located at the northwest corner of US 64 and Trawick Road, inside the City Limits.

CR-5032 from the Planning Commission recommended that this request be approved according to a map entitled, "Hunt Tire Company Additions at Tower Shopping Center," the property of North Hills, Incorporated, drawn by Scovil and Rairden, dated March 9, 1984. Consent Agenda approval - Congleton/Walters - 8 ayes.

STREET SYSTEM PLAN - GENERAL AREA OF BLUE RIDGE ROAD - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

CR-5035 from the Planning Commission recommended that the general area west of Blue Ridge Road, opposite Rex Hospital, be provided with an interior street system with the main purpose of paralleling Blue Ridge Road and thereby reducing the potential number of driveways from lots now fronting on Blue Ridge Road, between Lake Boone Trail and Forest View Road.

The establishment of this street plan for the area could be accomplished through the upcoming review and updating of the Northwest Area Plan, tentatively scheduled for presentation to the Comprehensive Planning Committee on April 30, 1984. Consent Agenda approval - Congleton/Walters - 8 ayes.

DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN AMENDMENT - CITY MARKET PROJECT (MARKET HOUSE SQUARE HOUSE PROJECT) - APPROVED

This was a request for approval to amend the Downtown East/East Side Redevelopment Plan Amendment to acquire approximately six (6) acres of commercially - zoned property for the development of a specialty retail complex around the City Market involving approximately 70,000 square feet of renovated commercial space, 80,000 square feet of public open space and 300 parking spaces. Public improvements, but not acquisitions, are also requested for East Martin Street between the City Market Block and the Fayetteville Street Mall. The property encompasses the Old City Market and block bounded by East Martin, South Person, East Davie and South Blount Streets as well as partial blocks immediately south and east of this block.

CR-5036 from the Planning Commission recommended that this amendment be approved. Consent Agenda approval - Congleton/Walters - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-34-84 - BRANDIWOOD - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 44.65 acre tract which is currently undeveloped and zoned Residential-4 into 138 single-family lots.

The property is located on the west side of Barwell Road, just south of Poole Road, outside the City Limits.

CR-5021 from the Planning Commission recommended that this plan be approved according to a map entitled, "Brandiwood," the property of Edward W. Hedgepeth, drawn by LaMarr Bunn and Associates, dated March 23, 1984, with the following conditions: (1) That the plan conforms to past City policy on sidewalks in new areas of development and revises the plan to show the sidewalk on their side of Barwell Road, and (2) that the developer set up a homeowners association to insure maintenance of the private pump station, and that it be approved by the Public Utilities Department and City Attorney's Office prior to recording any final plats.

Planning Director Chapman explained the subdivision and the Planning Commission's recommendation. Vice Chairman McNeely of the Planning Commission indicated the only issue that came up was a question in the mind of some Commissioners about the private pump station. He indicated, however, the staff had recommended approval saying everything was in order in that regard. Mr. Calloway indicated he had requested this item be removed from the Consent Agenda indicating he had questions about the sidewalk requirement. He pointed out in this particular area there are no sidewalks around the area to be developed, therefore, he questions the need of sidewalks in this area pointing out the cost factor of the sidewalks will only increase the cost of houses. He indicated he understood they wanted to keep the housing in this area between $45,000 to $50,000 price range and he just does not see the need for sidewalks and he would like for that to be considered. Mr. Walters indicated he would agree pointing out we only have so many sidewalk funds left and he does not see the need to have sidewalks come from nowhere and go nowhere. He indicated his main questions, however, related to the pump station pointing out it was his understanding that the Public Utilities Department had prevailed upon the developer to put in this dry line, build the pump station and then turn it over to the City. He indicated if that is the case, why do they need a Homeowner's Association? Public Utilities Director Butler spoke to the question relating to the private pump station and maintenance by the City. He stated he was not overjoyed at the thought of taking over a pump station. Discussion took place on the location of possible gravity flow lines, whether the project will work without a pump station, why the pump station was recommended, etc., after which Mr. Walters moved approval of the subdivision without the two conditions as outlined by the Planning Commission. His motion was seconded by Mr. Calloway. Other discussion took place on the depth that would be required for the sewer lines, the fact that the sewers in this subdivision will not connect to Walnut Creek, the fact that the pump station just applies to a few of the lots and the need for sidewalks in the area after which Mrs. Block made a substitute motion that Subdivision S-34-84 be referred to the Public Works Committee. Her substitute motion was seconded by Mr. Keller and put to a vote with results as follows: Ayes - Babb, Block, Congleton, Keller, Upchurch; Noes - Calloway, Cates, Walters. The Mayor ruled the motion adopted.

SUBDIVISION S-49-84 - BENT CREEK CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to construct a 172-unit townhouse project under the Cluster Unit Development section on 19.0 acres zoned Residential-10. The site is the remainder of Bent Creek Townhomes.

The property is located at the northern end of Bent Creek Drive, just south of Long Street, inside the City Limits.

CR-5030 from the Planning Commission recommended that this request be approved according to a map entitled, "Bent Creek Cluster Unit Development," the property of C. J. Deese and Company, drawn by Priest, Craven and Associates, dated March 1, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mr. Congleton indicated he had asked that this be withdrawn from the Consent Agenda indicating about two meetings ago he asked Administration to look at some of the street and erosion problems in this Subdivision that he felt were programmatic. He stated he had a letter in hand from the President of the Bent Creek Homeowner's Association that addresses the concerns they have in Phases 1, 2 and 3 of this project. He indicated as he understands this particular phase, the consideration today is under a different owner than the previous two phases and he would like to recommend approval of this phase on the basis that Administration will look into the problems addressed in the letter and if they can be dealt with in the first two phases. Brief discussion took place after which Mr. Congleton moved the Planning Commission's recommendation be upheld subject to the erosion problems and the problems with the private streets in the other phases be brought up to City standards. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-228 - WEST OF RANCH SHOPPING CENTER - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct a 25,223 square foot shopping center consisting of one (1) building on a 2.91 acre parcel which is currently undeveloped and zoned Shopping Center.

The property is located on the south side of US 70, just west of the Ranch Motel, inside the City Limits.

CR-5031 from the Planning Commission recommended that this request be approved according to a map entitled, "West of the Ranch Shopping Center," the property of Carolantic Realty, Incorporated, drawn by Hager, Smith and Huffman, dated March 23, 1984.

Planner Director Chapman explained the plan and the Planning Commission's recommendation. Mrs. Cates indicated she was really surprised to find that we have another shopping center coming up in this area. She stated she is concerned about buffering pointing out the map that was in the Agenda packet showed this property going all the way back to St. Giles. She questioned the need for buffering along Glenwood with Vice Chairman McNeely indicating he is not sure what we would be buffering. Brief discussion took place and Mrs. Cates moved that SC-228 be referred to Public Works Committee. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously.

REZONING Z-102-83 - BLUE RIDGE ROAD AREA - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately two (2) acres from Residential-4 to Office and Institution-I.

CR-5033 from the Planning Commission recommended that Z-102-83 be approved as amended; that is, that the property contained in Z-102-83 be rezoned to Office and Institution-I as requested with a five-foot (5') Conservation/Buffer along Blue Ridge Road, across the front of the properties.

Vice Chairman McNeely indicated rezoning application Z-102-83 and Z-103-83 were companion cases that were put in a subcommittee of the Planning Commission. He indicated in discussing these cases there was concern about general development along this corridor and concern that there would be clutter along the corridor with driveways, etc., and there is a need to work out a better circulation system for driveways, access, etc. He indicated there was some problem with the road alignment referring to a dirt road in the area. Mayor Upchurch questioned if the Planning Commission looked after Blue Ridge Road corridor which shows high density residential in this area. He indicated the plan was developed several years ago. Mr. McNeely indicated the Planning Commission looked at that plan for length and the Planning Commission studied this with staff but the Committee felt that support uses and development along the corridor indicates that maybe residential is not the best use for this area. Mr. Keller indicated you almost have to talk about these two cases at the same time as they anchor the north and the south end of the two-block area. He indicated he thought that this area was designed for high density residential explaining there is a lot of O&I in this area but there is a need for more high density residential, therefore, he would move that the property covered by rezoning application Z-102-83 be rezoned to Residential-15. His motion was seconded by Mrs. Block.

Mrs. Block referred to the Comprehensive Study that took place in the Lake Boone Corridor Study. She indicated she agreed with the recommendations about extending the road but explained that this is a wooded area, a desirable area and convenient for people to live. She stated she felt the original plan was good and we should stick to it. Mrs. Cates indicated she has given this a lot of thought and we are about to look at the Northwest District Land Use Update and maybe we need to review the Blue Ridge/Lake Boone Corridor Plan before any zoning takes place in the area with Mr. Congleton agreeing pointing out the Northwest Land Use Update is coming up within the next month or so, therefore, he would make a substitute motion that rezoning Z-102-83 be referred to the Comprehensive Planning Committee. His substitute motion was seconded by Ms. Babb. Mrs. Block questioned if the Council felt there has been sufficient change since the Lake Boone/Blue Ridge Corridor Plan was adopted - that there needs to be an update with Mr. Congleton indicating he is not sure. He pointed out he was not on the Council and was not all that familiar with the Lake Boone/Blue Ridge Corridor Plan. He pointed out any time you put a major hospital in an area there will be change. He stated he just feels that it should be put in the Comprehensive Planning Committee so that the Council can familiarize themselves with the Corridor Plan and look at the Northwest Land Use Update. Ms. Block pointed out the hospital was there when the Blue Ridge/Lake Boone Corridor Study was adopted. She pointed out the Council can exhaust citizenry if they have to come in again and again to try to defend a plan for an area. Discussion took place on the adoption of the Comprehensive Plan with Mr. Walters pointing out when that Plan was adopted, it was determined that it would have to be reviewed, therefore, it is not necessarily a Comprehensive Plan, it is just a long-range plan and he feels it should be reviewed annually. He pointed out this property may be rezoned to Residential-15 but he feels it is best to review the plans at this point, therefore, the substitute motion to refer rezoning application Z-102-83 to the Comprehensive Planning Committee was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-103-83 - BLUE RIDGE ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 4.3 acres from Residential-4 to Office and Institution-I.

CR-5034 from the Planning Commission recommended that Z-103-83 be approved as amended; that is, that the property contained in Z-103-83 be rezoned to Office and Institution-I as requested with a five-foot (5') Conservation/Buffer along Blue Ridge Road, across the front of the properties.

Mr. Congleton moved that this rezoning application be referred to the Comprehensive Planning Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk indicated there is one vacancy due to the resignation of Catherine Reiger. There are three other terms that are expiring: April 15 - J. Myrick Howard and John P. Greene; April 20 - Theresa Rosenburg. In total, there are four vacancies. Nominations include: Carolyn Andrews, Bernadine Weddington, John P. Greene, J. Myrick Howard and Theresa Rosenburg. Nominations have not been closed. Mrs. Cates nominated Dan Sears. No further action was taken.

CIVIC CENTER AUTHORITY - NOMINATIONS MADE

The City Clerk reported the following terms expire on June 17: Larry Ziverink, Bob Southerland - neither are eligible for reappointment, Bill Phillips, Andrew E. Demicks, Jim Ramsey and John William Stone - all eligible for reappointment. The term of Clarence E. Lightner expires July 1, 1984, and he is not eligible for reappointment. The City Clerk indicated in summary there are seven expiring terms and no nominations have been made. Mrs. Block nominated Mary Ellen Hill. Mr. Upchurch nominated John William Stone. Mr. Congleton nominated Bill Phillips. Mr. Walters nominated Jim Ramsey. Mr. Calloway nominated Odell Watson. Mrs. Cates nominated Gail Perry. Ms. Babb nominated Andrew E. Demicks. No further action was taken.

PLANNING COMMISSION - NOMINATIONS MADE

The City Clerk indicated the term of Hal McNeely expires May 20. He is eligible for reappointment and no nominations have been made. Mr. Congleton nominated Henry McKoy. Mr. Walters nominated Hal McNeely. No further action was taken.

ARTS COMMISSION - NOMINATIONS MADE

It was pointed out there is one vacancy on the Arts Commission as Rev. David Brownlee was appointed at the last meeting and cannot serve. Mr. Walters nominated Mrs. Jim "Boots" Bruner. Mrs. Block nominated Martha Keravouri. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

REZONING Z-32-84 - SOUTH SAUNDERS STREET - REZONED - ORDINANCE ADOPTED

Mr. Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation be upheld; that is, that Parcels 7 and 8, Block B-233, Tax Map C-41, be rezoned from Residential-6 to Neighborhood Business District as requested. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 336 ZC 138.

REZONING Z-43-84 - WHITAKER MILL ROAD - REZONED TO INDUSTRIAL-II WITH 5-FOOT CONSERVATION/BUFFER DISTRICT - ORDINANCE ADOPTED

Chairman Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation be upheld; that is, that a portion of Parcel 4, Block F-88, Tax Map F-30, be rezoned from Residential-10 to Industrial-II with a 30-foot Conservation/ Buffer along the west side of the property. On behalf of the Committee, Mr. Keller moved the recommendation be upheld.

Mr. Congleton indicated he made the motion in Committee but since the Committee meeting, he has talked to a number of people and he would, at this time, make a substitute motion that the property be rezoned to Industrial-II with a 5-foot Conservation/Buffer along the west side of the property. His substitute motion was seconded by Ms. Babb. Mrs. Block indicated she read the Law and Finance Committee Minutes and Mr. Congleton's comments and agreed with his comments at the Committee meeting pointing out that the substitute motion would allow a building to be within 10 feet of someone's back yard and she could not vote for that. Mr. Congleton indicated he had the same concern in Committee but pointed out every resident whose property adjoins the property in question has signed a petition in favor of the rezoning and they are not concerned about it. He indicated the area that would be in Conservation/Buffer is really just an open area without any vegetation and nothing would have to be done to this area so it does not serve much of a useful purpose as a buffer. He indicated in the Committee the petitioner indicated he would plant a 5-foot Conservation/Buffer and because of all of these factors and discussions with the

Planning Department, he doesn't feel that the City would accomplish anything by rezoning a 30-foot Conservation/Buffer with Mrs. Block pointing out the noise would be buffered at least. Brief discussion took place after which the substitute motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 336 ZC 138

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) South Saunders Street, east side, between Gilbert Avenue and Howard Street, Parcels 7 and 8, Block B-233, Tax Map C-41, .3 acre rezoned to Neighborhood Business District. (Z-32-84)

(b) Whitaker Mill Road, north side, between Wake Forest Road and Atlantic Avenue, a portion of Parcel 4, Block F-88, Tax Map F-30 (Zoning Map 495) rezoned to Industrial-II with a 5-foot Conservation/Buffer along the west side of the property, according to map on file in the City of Raleigh Planning Department. (Z-43-84)

(c) Raleigh Boulevard, east side, between Millbank Road and Barksdale Drive (and Rumson Road), Parcel 35, Tax Map 496, approximately 22.9 acres rezoned to Residential 6 District. (Z-44-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective April 17, 1984.

Adopted: 4/17/84

Effective: 4/17/84

YOUTH COUNCIL MINUTES - VARIOUS ACTIONS TAKEN

Mr. Keller indicated the Law and Finance Committee reviewed the minutes of the Student City Council Meeting held on February 24, and determined that many of the items discussed by the Student City Council are presently being studied by the City Council or one of its committees. In reviewing the recommendations, the Committee recommends the following:

(1) Refer to the Transit Authority:

(a) Establishment of a permanent park and ride lot near the intersection of Creedmoor/ Leesville Roads and an express bus route from that intersection to Downtown.

(b) A proposal for building a bus shelter at the corner of New Bern Avenue and Clarendon Crescent.

(2) Refer to the Parks and Recreation Advisory Board:

(a) Proposal relating to Peer Connection. It was pointed out that the Peer Connection has been moved to Millbrook Exchange Park Center, however, there is a problem with acoustics. Mr. Congleton explained he had suggested to the organization that they talk with civic groups about the possibility of donating some type of curtain to help with the acoustics. However, that has not been successful, therefore, this should be referred to the Parks and Recreation Advisory Board for consideration.

(b) Proposal for interpretative handicapped natural trail in Durant Nature Park.

(3) Refer to Wake County Council on Aging:

(a) The recommendation of the establishment of Senior Citizen Center in North Raleigh. It was suggested that this be referred to the Wake County Council on Aging to see if there is any merit and ask for a response from them.

(4) Refer to Administration for study and report back to Council:

(a) Proposal that City purchase smoke alarms for low income families.

(5) Refer to the Downtown Committee:

(a) Proposal for the purchase of Olivia Rainey Public Library for the purpose of a cultural music center.

It was noted that a number of the items suggested by the Student City Council are being considered by the City through its normal planning process or by other governmental agencies.

The Committee recommends writing the Youth Council and congratulate them on a job well done.

Mr. Keller indicated in Item (4)(a), the item related to the possibility of the City purchasing smoke alarms for the elderly and handicapped and referred to the program that is taking place in Durham. He indicated he felt that Raleigh should check with Durham and explore the type programs they are undertaking. After brief discussion, Mr. Keller moved the recommendation, as stated, be upheld. His motion was seconded by Mr. Congleton. Mr. Walters pointed out that if a person has a smoke alarm, their insurance premium will be adjusted and explained you can purchase a good smoke alarm at a cost of $15.00 or less. He pointed out, in addition, that the item relating to the bus shelter at the corner of New Bern Avenue and Clarendon Crescent had already been referred to Administration. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TRANSIENT OCCUPANCY TAX - RESOLUTION ADOPTED

Mr. Keller indicated Council Members received in their Agenda packets a proposed resolution relating to Transient Occupancy Tax that is recommended for adoption. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mrs. Block indicated Section 2 of the proposed resolution has as its last three words "... pending further discussion." She questioned why that should be in the resolution. Ms. Babb indicated when this was discussed in the Law and Finance Committee, she felt that everyone is pretty much in opposition to an independent authority as such but it was felt that we may need to look at something along a public/private authority and the Committee tried to come up with wording that would include the sentiments of the Mayor's original resolution but recognize that the Council was open for further discussion. After brief discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 498

WHEREAS, the North Carolina General Assembly approved legislation in 1983 which enables a number of local governments to establish a Transient Occupancy Tax; and,

WHEREAS, various individuals in Raleigh and Wake County have expressed the desire to pursue enabling legislation for a Transient Occupancy Tax for Raleigh and Wake County; and,

WHEREAS, the City of Raleigh would be substantially affected by the terms of any such proposed legislation; and,

WHEREAS, the City of Raleigh has provided a significant contribution to the promotion of convention and tourist activity for this area at considerable cost;

NOW, THEREFORE, be it resolved by the City Council of the City of Raleigh, assembled here this, the 17th day of April, 1984, that:

1. The City of Raleigh expresses its concern with the possibility that a bill may be introduced in the General Assembly which would provide for the establishment of a Transient Occupancy Tax and an independent authority to receive and expend funds raised by this tax.

2. The City of Raleigh is currently opposed to the concept of a special agency or authority with the power to receive and expend a tax levied through authority of the State of North Carolina pending further discussion.

3. The City of Raleigh is willing to consider proposed legislation to create a Transient Occupancy Tax in Raleigh and Wake County to promote meaningful and long term ways of providing adequate and new facilities for conventions and tourism.

AND, FURTHERMORE, directs Administration to provide members of the Wake Delegation to the General Assembly with a copy of this resolution.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STREET LIGHTING COST REDUCTION STUDY - VARIOUS STEPS APPROVED - ITEM RETAINED IN COMMITTEE

Included in the Council Members' Agenda packet is a work program and schedule for the Council's information. The Committee recommends approval of the following steps:

(1) Directing Staff to study and identify specific 21,000 lumen mercury vapor lights for removal.

(2) Authorizing further investigation of the use of timers for late night turn off of lights along all streets.

(3) Authorizing a request that CP&L establish a rate for and provide the 5800 lumen, enclosed, high pressure sodium lights.

(4) Authorizing a request that CP&L establish a rate and provide the 16,000 lumen, high pressure sodium lights.

This item is being held in Committee for further study.

On behalf of the Public Works Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NO PARKING ZONE - CALVIN ROAD AREA - REMOVED FROM THE AGENDA WITH NO ACTION TAKEN

Mrs. Block reported the Public Works Committee recommends removal of this item from the Agenda as it has been handled. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BILTMORE HILLS/RIDGE ROAD POOLS - CHANGE ORDER GC-22 - APPROVED - FUNDS APPROPRIATED

Mrs. Block reported the Public Works Committee recommends approval of this change order for an addition of $1,964 for emergency work required to meet State soil erosion recommendations. Budget accounts to be amended are as follows:

From:		
38-2-1000-0100	Council Reserve	$1,964.00
To:		
38-2-2010-0101	Swimming Pool A	$1,964.00

On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates. Mr. Walters indicated he would support the motion but he feels that we should break out the two swimming pools pointing out this change order relates only to the Ridge Road pool, not the Biltmore Hills pool. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 332 TF 20.

FALLS/JORDAN WATERSHED - DEVELOPMENT PATTERN - REFERRED TO SPECIAL WORK SESSION SCHEDULED FOR May 10, 1984

Mrs. Block reported the Public Works Committee recommends approval of the following development pattern for that portion of Falls Watershed within Raleigh's jurisdiction:

Minimal Development

This development pattern would require down-zoning the entire area to Conservation/ Buffer and rural residential. The only possible exemption would be those parcels which have received subdivision approval. At present, 482 lots and 23 subdivisions (736 acres) have been approved. She indicated these actions would put protection on Raleigh's water supply in place as recommended by the Falls Lake Technical Advisory Committee and Planning Staff. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates. Mr. Walters indicated he would have to take issue pointing out he attended the Public Works Committee and the Task Force came forth with three separate recommendations, therefore, he would make a substitute motion that this item be referred to Committee of the Whole/Work Session for further discussion. His substitute motion was seconded by Ms. Babbs.

Mrs. Block indicated the Council has had a Work Session pointing out the whole presentation was presented to the City Council. She indicated she felt it was important that the City Council set an example to the other areas as to how we plan to protect our portion of the watershed pointing out the City of Raleigh is the one that will benefit most as it is our primary water supply. She stated the City of Raleigh's planning area encompasses only 2,800 acres. She stated all of the City Council have been exposed to the recommendations and she had put a copy of the Task Force recommendation on each Council Members Desk. She indicated we have been requested by the State to provide our plan by the first of May. Mr. Walters indicated there was a recommendation for R-4 development from the Beltline into town. He indicated that may be too stringent but he feels that if we are going to insist on two-acre minimum lots, we are saying that area will never be in the City Limits of Raleigh. He indicated if if that is true, then why do we not turn the area back over to the County. He stated in his opinion there were just too many things pending and too many questions to act on this item today. Ms. Babb indicated it is true that we did have one Work Session where the Council was introduced to the Falls Lake Report. She indicated that was an overview of what they were looking at and she feels strongly that we should have a Work Session now that the Advisory Committee has pretty much finished their task. She stated she would like to see the Council just roll up their sleeves and immerse themselves in this work so that everyone understands the impact of the actions the Council will be taking. She stated it is important to send this

to Work Session to give the Council an opportunity to really get down and plow through the recommendations. She stated as she recalls the process the Council created the Technical Advisory Committee to work with the Public Works Committee and they have worked basically with that Committee. She stated there is one piece of information that she would like to have before she makes up her mind and that is an assessment and analysis of these options by the City staff. She stated she would like for the City Manager and department heads to take a look at all of the work thus far and say what the impacts will be on the City of Raleigh so that the Council can get a clear assessment of the options available. Ms. Cates pointed out the Technical Advisory Committee did make the recommendation that the Public Works Committee endorsed and that is minimum development. She pointed out, however, since that time we have learned some new things, that is, that the reservoir has 27% less capacity than were originally thought, the outer belt loop was not considered in the 6% impervious surface and, also, that Lake Mickie is filling up with silt much faster than was anticipated. She indicated some have said that the minimum development is overcautious and we may be overcautious but we can always come back and add density to the area if needed. Mrs. Block reminded the Council that the Falls Lake Technical Advisory Committee had finished its work and that is why it was presented to Work Session. She pointed out all of the deliberations of the Public Works Committee have been in the minutes and she has tried to keep the full Council informed. She indicated it is important that the City Council take a stand pointing out a lot of this area is developed. She stated she does not feel that this is too restrictive. Mr. Congleton explained he would feel more comfortable to have this sent to a Work Session in view of the questions that are coming up and that would give everyone an opportunity to assess the information available and raise any questions they may have. Ms. Babb indicated if we take it to Work Session, she would ask the City Manager to prepare for the Council a reaction, evaluation and an assessment from Administration's point of view, look at in light of the City's responsibility. Mr. Benton indicated Administration would be glad to provide the Council with a detailed evaluation pointing out we do have a Work Session scheduled for Thursday and maybe there would be a necessity of another Work Session to discuss this item.

Ms. Babb indicated she understands Mrs. Cates saying that we can address the problems later but she feels that the City would not be facing the responsibilities if we say we are not going to deal with the problem and pointed out it will not go away. Mr. Keller indicated the Council has been talking about this for over two years and he feels that we should recognize the point brought up by Mr. Walters. He stated if this area is never going to be urbanized, then maybe it should be given back to the County. He stated, personally, he would favor three to five acre lots as minimum. He stated he feels we need to make a decision and he would prefer to adopt the Public Works Committee's recommendation even though it may be a little on the lenient side. Mrs. Cates indicated she was not saying put off our responsibility but pointed out if we error, she would rather the error be on the cautious side. Discussion took place after which the substitute motion was put to a vote with results as follows: Ayes - Upchurch, Walters, Babb, Calloway, Congleton; Noes - Keller, Block, Cates. The Mayor ruled the motion adopted.

Discussion took place as to when this item would be scheduled for Work Session with Mr. Congleton indicating possibly it should be a special City Council Meeting and enact whatever recommendation the Council comes up with at that time. Discussion took place on an appropriate time for the meeting. Later in the meeting it was agreed that a special Work Session would be called for May 10 at 8:30 a.m. to discuss this item.

ETJ EXTENTION - WACHOVIA PROPERTY - RESOLUTION ADOPTED

Mrs. Block reported the Public Works Committee recommends the adoption of a resolution requesting the County to relinquish jurisdiction of the Wachovia property located on the northwest corner of Strickland and Six Forks Roads. It is further recommended that an item be referred to the Public Works Committee relating to the study of the ETJ in the Northwest Quadrant. On behalf of the Committee Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mrs. Block pointed out this area can be served by gravity flow. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 499

A RESOLUTION TO AMEND THE EXTRATERRITORIAL JURISDICTION AGREEMENT BETWEEN THE CITY OF RALEIGH AND WAKE COUNTY

WHEREAS, NCGS 160A-360(g) provides that extraterritorial jurisdiction agreements between local governments may be modified from time to time by mutual consent of the legislative bodies concerned;

WHEREAS, the City of Raleigh and the County of Wake have agreed that their respective jurisdictions for planning and regulation of development purposes should be altered;

WHEREAS, the boundaries of the area in which the City of Raleigh exercises extraterritorial jurisdiction with respect to matters dealt with in Article 19 of Chapter 160A, North Carolina General Statutes, as the same now and may hereafter read and be constituted and numbered, are hereby established and defined as being the City's corporate boundaries as now established and hereafter modified and also being a line, approval of which was originally requested by the Raleigh City Council on

June 19, 1972, and initially granted by the Wake County Board of Commissioners on "Extraterritorial Jurisdiction, City of Raleigh, North Carolina" and dated March 12, 1981, as amended.

WHEREAS, the Raleigh City Council finds that the expansion of the jurisdictional area as herein described will allow the City the opportunity to regulate development to assure eventual efficient delivery of City services to this area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the extraterritorial jurisdiction agreement, dated February 5, 1973, as amended, between the City Council of the City of Raleigh and the Wake County Board of Commissioners by modified to add 1.8 acres northwest of the intersection of Six Forks and Strickland Roads as shown on the attached map which is hereby incorporated into this resolution and metes and bounds drawn as follows:

ETJ EXTENSION
WACHOVIA PROPERTY

Beginning at the intersection of the center lines of Six Forks and Strickland Roads, said point also being in the existing (4-1-84) City of Raleigh ETJ line; thence westerly with the centerline of Strickland Road (S.R. 1829) 375 feet ± to its point of intersection with the western property line extended of the Wachovia Property as described by a survey dated June 7, 1982, by William Crocker, R.L.S.; thence following said survey North 08° 40' 59" East 227 feet ± to the northwest corner of said Wachovia Property; thence following said survey South 85° 00' 53" East 265 feet ± to the center line of Six Forks Road (SR 1005), said point also being in said existing City of Raleigh ETJ line.

Section 2. That this resolution shall become effective immediately following its adoption by both governing bodies.

Adopted: 4/17/84

WATER AND SEWER - ORDINANCE ADOPTED RELATING TO REIMBURSEMENT/ACREAGE FEES, ETC.; RESOLUTION RELATING TO PERRY CREEK/NEUSE RIVER FUNDING POLICY - ADOPTED

Mrs. Block indicated Council Members received in their Agenda packets a document entitled, "Proposed Revisions to the Perry Creek/Neuse River Sanitary Sewer Funding Policy and Related Policies of the City of Raleigh." That document was as follows:

"1. Delete all provisions of the Perry Creek/Neuse River funding policy as being considered by the City Council and Planning Commission.

2. The development community provide funding to the City of Raleigh in the amount of $2,000,000, and no less than one-third of the cost of the Neuse River main, for use toward the installation of a sanitary sewer main along the Neuse River to its confluence with Perry Creek, and within several tributaries to the Neuse River south of Perry Creek. The development community would be responsible in assisting, upon the request of the City, in the negotiation of any easements required for the installation of the sanitary sewer main, and would be expected to dedicate to the City at no cost any easements required for the sanitary sewer main within sites owned or controlled by the developers.

3. The City of Raleigh and Wake County share equally, from proceeds of the 1/2-cent sales tax, in the provision of any additional funds necessary to effect the installation of the sanitary sewer mains as set forth in 2, above.

4. The City of Raleigh would pursue the installation of the sanitary sewer mains set forth in 2, above, with all due haste, provided that sufficient funds are made available to it, per 2 and 3, above.

   Items 1 - 4 above, are contingent upon Wake County and developer actions being consistent with their responsibilities in items 1 - 4 above, and the receipt of approval by the U. S. Army Corps of Engineers and the State of North Carolina for the installation of an aerial crossing of Crabtree Creek at the Neuse River within the cost estimates provided.

5. City Council adopt an ordinance that will establish that any parcel of property greater than 2 acres located outside of the City limits of the City of Raleigh shall connect to both Raleigh water and sewer systems, if it is connected to either the water or sewer system of the City of Raleigh.

6. City Council revise the water and sewer acreage fees, from their existing $400/acre - water; $350/acre - sewer, to the level in the following table:

Zoning	Water Acreage Fee	Sewer Acreage Fee
R-4	750.00/gross Ac.	750.00/gross Ac.
R-6	900.00/gross Ac.	900.00/gross Ac.
R-10	1218.75 gross Ac.	1218.75/gross Ac.
R-20	1875.00/gross Ac.	1875.00/gross Ac.
R-20+	93.75/dwelling	93.75/dwelling
O & I *	1875.00/gross Ac.	1875.00/gross Ac.
S C *	1875.00/gross Ac.	1875.00/gross Ac.
Ind. #	2100.00/gross Ac.	2100.00/gross Ac.

* If the land use in O & I and Shopping Center zoning is of a residential nature, the fees due would be based upon the residential zoning that would be necessary to accept the nature of development on the site.

The fees for Industrial zoned property would be based upon the zoning, or the size of the water tap being utilized for the site, as below, whichever is the lesser:

Water Tap Size	Water Acreage Fee	Sewer Acreage Fee
3/4"	750.00/tap	750.00/tap
1"	1250.00/tap	1250.00/tap
1-1/2"	2500.00/tap	2500.00/tap
2"	4000.00/tap	4000.00/tap
4"	10500.00/tap	10500.00/tap
6"	25000.00/tap	25000.00/tap
8"	40000.00/tap	40000.00/tap

Eighty-seven percent (87%) of all funds received as a result of the above fees would be made available to reimburse the developers or the City for the installations made by them. The City would not apply for any reimbursement for installations made by it for mains greater than 24" in diameter, unless another unit of government, sharing with the City in the funding of such in installation, applies for reimbursement on a particular project.

The remaining thirteen percent (13%) of the fees so collected would be used by the City for capital improvements having an overall system benefit.

The new acreage fee rates as set forth above would become effective immediately upon adoption. The City would, in the future, revise those fees annually based upon trends in the construction cost indices relative to the date of adoption.

Should the City collect acreage fees within an acreage fee contract area having major mains yet to be installed, those funds will be escrowed for use within that contract area.

7. The $2,000,000, or more, provided by the developers shall be designated as prepayment of sanitary sewer acreage fees on tracts identified by the developers based upon the acreage fee rates established in Item 6, above.

8. The City would modify its reimbursement policy for "major" mains (acreage fee policy) to reimburse for the proportionate cost of an installation made in excess of a 6" water main or an 8" sanitary sewer main, within the actual site developed. The value of the monies due to the developer on his Acreage Fee Reimbursement Contract would be kept current by adjustment of the remaining face value at the rate of construction cost increase as adopted by the City Council for the prior year, in Item 6 above, commencing on the second anniversary of that contract. Those adjustments would not be compounding and the face value would be paid prior to the payment of adjustments.

9. The City revise its assessment policy to provide for assessment for the value of an 8" sanitary sewer main when a 12" main is installed. The present system provides for assessment of 8" and 10" sanitary sewer mains. The practice of assessing for the value of a 6" water main, regardless of size installed, would continue unchanged.

10. The developer would be responsible for the preparation of engineering plans for the extension of water and sewer mains from the existing system of the City of Raleigh, or those lines set forth in 2, above. The developer would then provide those plans to the City.

11. For water and sanitary sewer mains located outside of the developers site, the City and the developer would enter into a contract establishing that:

    a. The developer would provide to the City such funds as were necessary for the construction of any water or sanitary sewer mains extending from the existing system of the City of Raleigh to the developers site.

b. The City would hold such hearings as were necessary to authorize said installation and its ultimate assessment against the adjoining properties.

c. The City would then place the installation under construction contract, and would administer the construction contract.

d. The City would hold such hearings as appropriate to assure effective assessment of the project against the adjoining properties.

e. The City would reimburse such funds as it received, as a result of said assessment including any interest collected, to the developer. (This reimbursement would have no time limit.)

f. The developer would enter into an acreage fee reimbursement contract for the difference in the amount the installation cost and the amount of money that may be collected as a result of the assessment for the installation. (This contract would continue to have the 10-year life.)

12. It is recommended that all provisions above relating to acreage fee rates be made effective upon the date of adoption by the City Council, and all provisions above relating to acreage fee contracts be effective beginning with the next acreage fee contract presented to the City Council for execution."

On behalf of the Public Works Committee, Mrs. Block moved approval of Items 5 through 12 in the document pointing out this relates to reimbursement, acreage fees, etc. She explained the last time this was updated was in 1976 and it is long past due for revisions. She explained there is a clause that will make these fees remain current to the way our public utility assessment rates remain current. She indicated Council Members had received a copy of the proposed ordinance outlined in Items 5 through 12 and on behalf of the Committee move adoption of the ordinance. Her motion was seconded by Mrs. Cates.

Mr. Walters objected to the way the motion was made. He indicated he is not opposing the recommendation of the Public Works Committee but feels that we should discuss Items 1 through 12 together or take them in order and he would move that the Council discuss the twelve items together or take them in order. The motion was seconded by Ms. Babb and put to a vote with results as follows: Ayes - Babb, Walters; Noes - Upchurch, Block, Calloway, Cates, Congleton, Keller. The Mayor ruled the motion defeated. Mrs. Block indicated she did not understand the objections to the fact that she was taking the motion out of order. Mr. Walters then explained the community is very happy with the total proposal outlined in Sections 1 through 12 but not happy with Items 5 through 12 being approved and put in on hold. Discussion took place with Mrs. Cates pointing out the people had ample opportunity to speak at the meeting and the only reason the Committee wanted to delay 1 through 4 is the funding question. After other discussion, the original motion to approve the ordinance (Items 5 through 12) was put to a vote and passed with all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 338

AN ORDINANCE TO AMEND THE CITY CODE ACREAGE FEES AND REIMBURSEMENT POLICIES FOR EXTENSION OF MAJOR WATER AND SEWER MAINS.

WHEREAS, Article 16 of the General Statutes and Sections 6.28 through 6.33, inclusive, of the Raleigh City Charter authorize the City of Raleigh to establish fees and charges for the use of its utility system; and

WHEREAS, existing undifferentiated acreage fee connections are insensitive to actual flow demands of development; and

WHEREAS, existing acreage fee connections have remained unchanged since 21 August, 1979; and

WHEREAS, the Raleigh City Council finds that existing acreage fees have not been adequately adjusted for inflation, and that existing fees together with fixed reimbursement contract payments have insufficiently compensated installers of major water and sewer mains; and

WHEREAS, it is already ordained in the assessment and subdivision ordinances of the City that property owners shall bear the full cost for constructing water mains six inches (6") in diameter and sewer mains eight inches (8") in diameter; and

WHEREAS, the Raleigh City Council finds that providing City water without also providing for a similar quality of sewerage disposal, and conversely providing city sewer without also providing for similar quality of water is environmentally indefensible and has the potential to create a public health problem.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, that:

Section 1. Section 8-2001 of the Raleigh City Code is hereby amended to add a new sentence which shall follow the first sentence of said section and the new sentence shall read as follows:

"In reviewing requests; the director of public utilities shall consider the appropriateness of the size, location, character, and quality of all materials and connections.

Editor's Note - Copies of "Public Utilities Handbook" which includes City standards and procedures is on file in the public utilities department.".

Section 2. Subsection 8-2031(a) of the Raleigh City Code is hereby amended, rewritten, and reenacted to read as follows:

"(a) In addition to all other charges, prescribed by ordinance or resolution now or hereafter in effect, there shall be a charge for connecting with the water system of the city, either within or without the corporate limits of the city and there shall be a charge for connecting with the sewer system of the city, within or without the corporate limits of the city. The charges shall be calculated on a per gross acre basis for property served by the connection. The amounts of such charges to be paid to the city at the time the connection is made shall be as follows:

Zoning Districts	Water Acreage Fee	Sewer Acreage Fee
Conservation/Buffer	750.00/gross acre	750.00/gross acre
Agricultural Productive	750.00/gross acre	750.00/gross acre
R-1	750.00/gross acre	750.00/gross acre
R-4	750.00/gross acre	750.00/gross acre
R-6	900.00/gross acre	900.00/gross acre
R-10	1218.75/gross acre	1218.75/gross acre
R-15	1540.00/gross acre	1540.00/gross acre
R-20	1875.00/gross acre	1875.00/gross acre
R-30 and in the case of residential development in, zones which permit residential densities of 25 units per acre or above	93.75/dwelling unit allowed in that zoning	93.75/dwelling unit
Office and Institution I, II, and III[1.]	1875.00/gross acre	1875.00/gross acre
Buffer Commercial[1.]	1875.00/gross acre	1875.00/gross acre
Shopping Center[1.]	1875.00/gross acre	1875.00/gross acre
Neighborhood Business[1.]	1875.00/gross acre	1875.00/gross acre
Business[1.]	1875.00/gross acre	1875.00/gross acre
Thoroughfare[1.] and [2.]	2100.00/gross acre	2100.00/gross acre
Industrial I and II[2.]	2100.00/gross acre	2100.00/gross acre

[1.] The fees for lands in these districts which are actually developed for residential dwellings shall be calculated as if the property were: (i) developed to the maximum residential density and (ii) zoned to the residential district which would first permit the maximum residential density allowed in that nonresidential zoning district.

[2.] If the lands in these districts are actually developed for nonresidential uses, the fees will be the lesser of either the charges stated above or the charges stated below based on the actual water tap size utilized for the property.

Water Tap Size	Water Acreage Fee	Sewer Acreage Fee
3/4"	750.00/tap	750.00/tap
1"	1250.00/tap	1250.00/tap
1-1/2"	2500.00/tap	2500.00/tap
2"	4000.00/tap	4000.00/tap
4"	10500.00/tap	10500.00/tap
6"	25000.00/tap	25000.00/tap
8"	40000.00/tap	40000.00/tap

Following the last working day in June, all fees stated herein shall be adjusted in the amount of the Annual Engineering News Record Construction Index Variation.

Acreage fees collected to reimburse for major mains shall be assigned to the same acreage fee area it was collected from as may be amended.

Such funds shall remain available for reimbursement of major mains installed in that same area, as may be amended, until the first day of January following ten years after its collection. The water acreage fee areas and the sewer acreage fee areas are shown on maps on file in the City Clerk's office.".

Section 3. The first sentence of subsection 8-2031(c) of the Raleigh City Code is hereby amended to replace the semicolon in said subsection with a period and the material following thereafter is rewritten and reenacted to read as follows: "The owner of a tract of residential land or of land in an area zoned for residential use which is owned and occupied at the time of utility connection by the owner as his dwelling place or the dwelling place of only his family (e.g., a father, mother, and one or more unmarried children, or dependents physically residing in the same structure or group of structures) containing more than two (2) acres, who desires to make one tap-on to the utility systems of the city but who has not, and does not, desire to subdivide his property into building lots at the time the tap-on is made, may tap onto such systems at the rates charged herein containing two (2) acres of land.".

Section 4. The last four words of the title to section 8-2033 of the Raleigh City Code are deleted. Said section is further amended to add immediately before the period of the first sentence the following language: " , and, if applicable, Raleigh City Charter provision 6.28".

Section 5. Subsection 8-2038(a) of the Raleigh City Code is hereby amended to add immediately after the word "collected" the following language: "at the time of connection".

Section 6. Subsection 8-2038(b) of the Raleigh City Code is hereby amended to add immediately after the word "charged" the following language: "at the time of connection".

Section 7. Section 8-2066 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Section 8-2066 Water and Sewer lines required.

No private water line, lines, or system within any greater than two acre development or subdivision outside the corporate limits shall be approved for connection with the water system of the city, nor will the city accept any dedication of the same, nor will the City agree to furnish water service to consumers within any such development or subdivision, unless, at the same time, there is connected with the city sewerage system and dedicated to the city a sewerage system laid and constructed to city standards sufficient to make available adequate sewerage services for each of the lots within such development or subdivision. No private sewer line, lines, or system within any greater than two acre development or subdivision outside the corporate limits shall be approved for connection with the sewer system of the city, nor will the city accept any dedication of the same, nor will the city agree to furnish sewer service to consumers within any such development or subdivision, unless, at the same time, there is connected with the city water system and dedicated to the city a water system laid and constructed to city standards sufficient to make available adequate water services for each of the lots within such development or subdivision.".

Section 8. Section 8-2092 of the Raleigh City Code is hereby amended to delete all the language following "corporate limits" and in lieu thereof the following language is inserted: "the proportionate cost of any installation made in excess of a six-inch (6") water main or an eight inch (8") sanitary sewer main from acreage fees collected in the same acreage fee area of the installation, with an opportunity for reimbursements not to exceed ten (10) years. The City of Raleigh will not apply for any reimbursements for installations made by it for mains greater than twenty-four inches (24") in diameter, unless another unit of government, sharing with the city in the funding of such an installation, applies for reimbursement on a particular project.".

Section 9. Subsection 8-2094 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(a) Under any reimbursement contract entered into involving a major main extension, properties within designated acreage fee areas shall be charged the standard city acreage fee at the time service connection is applied for. As these acreage fees are collected by the city, eighty-seven percent (87%) of the funds shall be assigned to the same acreage fee area they were collected from in order to allow reimbursement of contract developers of major mains installed within that same acreage fee area. Opportunity for reimbursement payments shall be limited to a maximum period of ten (10) years from the date of acceptance of the improvements by the city, as noted in the reimbursement contract, and no longer.".

Section 10. The second sentence of subsection 8-2094(b) of the Raleigh City Code is hereby amended to add immediately after the word "reimbursed" the following words: "to the extent allowed by this article".

Section 11. Section 8-2094 of the Raleigh City Code is hereby amended to add a new subsection, 8-2094(c), said new subsection shall read as follows:

"(c) Beginning on the second anniversary date of reimbursement contracts, the remaining contract balance shall be adjusted to the same proportionate extent the city acreage fees were adjusted in the most immediately prior to June. Adjustments shall not be compounded, and the actual contracted reimbursable cost of the installations shall be fully paid prior to the payment of any adjustments.".

Section 12. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 13. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 14. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 15. Nothing in this ordinance shall modify the terms of major water and sewer main reimbursement contracts executed prior to the effective date of this ordinance.

Section 16. This ordinance shall become effective five (5) days following its adoption.

Adopted: 4/17/84

Effective: 4/23/84

Mrs. Block moved that the Council adopt Items 1 through 4 in concept and that the items be pursued with Wake County. Her motion was seconded by Mrs. Cates. Mr. Walters indicated the Council has forwarded a resolution to the County Commissioners supporting the one-half cent sales tax. He indicated sewer is essential for this area and the land owners have said that they would put up two million dollars if the City and County would fund the rest. He indicated to intentionally put this on the back burner and tie it to the one-half cent sales tax in his opinion is wrong. Mr. Walters presented the following proposed resolution and read it in full.

"WHEREAS, the orderly growth of the City indicates that the area northeast of Raleigh should be developed with urban services; and

WHEREAS, considerable discussion has occurred concerning alternatives available for providing sewer service to this area; and

WHEREAS, the extension of this sewer service will benefit the City of Raleigh, Wake County and the property owners involved; and

WHEREAS, the property owners in this area have agreed to provice one-third of the cost (approximately two million dollars) to aid in funding the extension of these sewer lines;

NOW, THEREFORE, BE IT RESOLVED, that the Raleigh City Council expresses its willingness to fund fifty percent of the remaining balance of the cost of the sewer line extensions at such time as the County of Wake agrees to fund a like share.

Mr. Walters indicated this resolution would be the intent of this City Council at this time that if the community developers and County provided their share that the City would provide its share. He indicated again, in his opinion, to put the one-half cent sales tax demand is only going to aggravate the situation and will not accomplish the desired results. Mr. Walters made a substitute motion to approve the proposed resolution. His substitute motion was seconded by Ms. Babb. Ms. Babb indicated her concern is along the lines outlined by Mr. Walters pointing out we have passed the resolution urging the County to adopt the one-half cent sales tax and she believes that is needed but she feels we are at a point with out relationship with the County that the City needs to be very positive and should not place undue demands. She stated the City Council has taken a stand on the one-half cent sales tax with Mrs. Block pointing out the intent of the original resolution was to pursue the County's participation and also requests that they enable us to fund our share. She stated without the one-half cent sales tax she did not know if the City had the money to fund its share. The original resolution is only saying that if the County provides us with the wherewithal, we will do our share. Mr. Upchurch indicated the proposed resolution submitted by Mr. Walters just deletes Item 2 with Mrs. Cates indicating Item 2, in her opinion, speaks to the timing pointing out she did not feel that the City could come up with the funds without the one-half cent sales tax. Lengthy discussion followed on the difference in the two resolutions, the need to develop the northeast area and the need for sewer in that area after which Mr. Upchurch indicated he felt it would be good if Mr. Walters and Mrs. Block could get

together on their proposed resolution after which, by general consensus, it was agreed to hold this item and to consider it again at the evening portion.

During the evening portion of the meeting, Mayor Upchurch explained the discussions and actions that took place in the afternoon portion and it was agreed to withdraw all motions. Mrs. Block then moved that the City accept the following concept as a goal to achieve the orderly development of the area northeast of Raleigh:

1. The development community provide funding to the City of Raleigh in the amount of $2,000,000 and no less than one-third of the cost of the Neuse River main, for use toward the installation of a sanitary sewer main along the Neuse River to its confluence with Perry Creek, and within several tributaries to the Neuse River south of Perry Creek. The development community would be responsible in assisting, upon the request of the City, in the negotiations of any easements required for the installation of the sanitary sewer main and greenway and would be expected to dedicate to the City at no cost any easements required for the sanitary sewer main within sites on or controlled by the developers.

2. The City of Raleigh and Wake County to share the remainder equally in the provision of any additional funds necessary to effect the installation of the sanitary sewer mains as set forth in No. 1 above.

3. The City of Raleigh would then pursue the installation of the sanitary sewer mains set forth in 1., above, with all due haste, provided that sufficient funds are made available to it.

4. Delete all provisions of the Perry Creek/Neuse River funding policy as being considered by the City Council and Planning Commission.

Items 1 - 4, above, are contingent upon Wake County and the developer actions being consistent with their responsibilities in Items 1 - 4, above, and the receipt of approval by the U. S. Army Corps of Engineers and the State of North Carolina for the installation of an aerial crossing of Crabtree Creek at the Neuse River within the cost estimates provided. Her motion was seconded by Mrs. Cates.

Mr. Walters indicated he did not have any part in working on this and is not in full agreement as he still feels that we should have taken the entire package at one time. He stated the Council has approved the new acreage fee policy, reimbursement fees, etc., and as it stands now we only have a concept for development of the northeast section which means we will have the higher acreage fee and the old policy. He indicated he hopes that this will just not go back to Public Works and stay there as he feels this matter should either be referred to Administration or go ahead and consider the whole package. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 505A

A RESOLUTION TO APPROVE IN CONCEPT A GOAL TO ACHIEVE THE ORDERLY DEVELOPMENT OF THE AREA NORTHEAST OF RALEIGH

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the development community provide funding to the City of Raleigh in the amount of $2,000,000, and no less than one-third of the cost of the Neuse River main, for use toward the installation of a sanitary sewer main along the Neuse River to its confluence with Perry Creek, and within several tributaries to the Neuse River south of Perry Creek. The development community would be responsible in assisting, upon the request of the City, in the negotiation of any easements required for the installation of the sanitary sewer main and greenway and would be expected to dedicate to the City at no cost any easements required for the sanitary sewer main within sites owned or controlled by the developers.

Section 2. That the City of Raleigh and Wake County share the remainder equally in the provision of any additional funds necessary to effect the installation of the sanitary funds necessary to effect the installation of the sanitary sewer mains as set forth in 1, above.

Section 3. The City of Raleigh would pursue the installation of the sanitary sewer mains set forth in 1, above, with all due haste, provided that sufficient funds are made available to it.

Section 4. Delete all provisions of the Perry Creek/Neuse River funding policy as being considered by the City Council and Planning Commission.

Items 1 - 4, above, are contingent upon Wake County and developer actions being consistent with their responsibilities in items 1-4, above, and the receipt of approval by the U. S. Army Corps of Engineers and the State of North Carolina for the installation of an aerial crossing of Crabtree Creek at the Neuse River within the cost estimates provided.

Section 5. That the City Council adopt an ordinance that will establish that any parcel of property greater than 2 acres located outside of the City limits of the City of Raleigh shall connect to both Raleigh water and sewer systems, if it is connected to either the water or sewer system of the City of Raleigh.

Adopted: 4/17/84

SUBDIVISION S-164-83 - REAVES DRIVE CONDOMINIUMS - APPROVED AS AMENDED

Mrs. Block indicated the Public Works Committee recommends approval of Subdivision S-164-83 as amended. She indicated copies of the amended plan were available at the meeting. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

MUNICIPAL COMPLEX - BUILDINGS NAMED

Mrs. Block indicated the Committee for the New Municipal Building recommends naming the new building the Raleigh Municipal Building and that the current building be named the Raleigh Municipal Building Annex. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COUNCIL OFFICE - FURNITURE - PURCHASE OF BOOKCASES, TABLES AND LAMPS - APPROVED; OTHER ITEMS HELD; INTERIOR DECORATOR TO BE RETAINED

Mrs. Block indicated the Committee had considered recommending the purchase of some conference tables, reupholstering, etc., however, it is felt that the City needs to retain an interior decorator as it relates to the fabric, colors, lamps, etc. Mr. Upchurch stated he feels that we should wait until we get into the new facility to determine what is needed. City Manager Benton indicated he did take the opportunity to talk with an interior designer a few minutes and went over the issues and questions. He indicated maybe we should take advantage of those thoughts and see what their ideas are before we continue or make any purchases. Mr. Walters indicated everyone who sells office furniture or furniture of any type normally has an interior designer that can be used free of charge. Brief discussion took place after which Mrs. Block moved that the City go ahead with the purchase of the three-shelf bookcases for each Council office and purchase of necessary end tables and lamps for the reception area and appropriate funds from Council contingency and wait on the remaining items. Her motion was seconded by Mrs. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 332 TF 20.

REPORT AND RECOMMENDATION OF THE CITY INTERGOVERNMENTAL LIAISON COMMITTEE

SISTER CITY PROGRAM - AD HOC COMMITTEE AUTHORIZED

Mr. Calloway indicated the Intergovernmental Liaison Committee recommends that the Council, through the normal appointment process, appoint an Ad Hoc Committee of nine members including one Council Member as chairman of the committee to look into the Sister City Program and make recommendations back to the Council. The Committee further recommends that Mr. Walters serve as chairperson of the Ad Hoc Committee.

Mr. Walters indicated he had sent Council Members a memo suggesting that the Sister City Committee consist of members from all segments of the City as follows: one member each from the Raleigh City Council, Friendship Force, N. C. State University, St. Augustines College, Raleigh Merchants Bureau; two members from the Raleigh Chamber of Commerce (one commercial and one industry) and two members at large if this Committee is constituted. Mrs. Block indicated she feels that we should have more people at large with Mr. Walters indicating this is just a recommendation or suggestion as to how the Ad Hoc Committee could be constituted. Mr. Calloway moved the recommendation of the Committee be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MANPOWER RESOURCE DEVELOPMENT - REMOVED FROM THE AGENDA

Chairman Calloway indicated the Intergovernmental Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PRIVATE INDUSTRY COUNCIL WAKE/RALEIGH - REMOVED FROM THE AGENDA

Chairman Calloway reported the Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

JOB TRAINING PARTNERSHIP ACT - REMOVED FROM THE AGENDA

Chairman Calloway reported the Intergovernmental Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

PARK PROPERTY - ILLEAGNES/PEACH ROAD - APPROVED FOR PURCHASE - FUNDS APPROPRIATED

Chairman Walters reported the Real Estate Committee recommends that the City purchase approximately 5.67 acres at the end of the Illeagnes and Peach Roads for the sum of $56,000 to be used as a park. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 332 TF 20

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Council Contingency	$ 2,000.00
To 01-2-1010-0700	New Furniture	2,000.00
Purpose: To purchase lamps, bookcases, tables for new Council offices.		
From 37-2-1000-0100	Park Imp. Unapp.	$ 65,000.00
To 37-2-2472-0101	Caraleigh	65,000.00
Purpose: To purchase park at Illeagnes/Peach Road.		
From 38-2-1000-0100	Council Reserve	$ 1,964.00
To 38-2-2010-0101	Swim Pool A	1,964.00
Purpose: Change Order - Biltmore Hills and Ridge Road Pools - General - Clancy & Theys Construction Company - GC 22.		
From 40-2-1515-0000	Council Reserve	$ 5,653.00
To 40-2-1520-0100	Cabarrus St. Study	5,653.00
Purpose: To pay consultant for UDAG parking feasibility study and rendering of the Upper Plaza.		
From 06-2-7100-0002	Utilities Contingency	$ 13,000.00
To 06-2-7030-0217	Fuel for Heat	13,000.00
Purpose: To provide sufficient funds for remainder of fiscal year.		
From 01-2-4040-0260	Office & other supplies	$ 1,500.00
To 01-2-4040-0703	Misc. Equipment	1,500.00
Purpose: To purchase additional equipment.		
From 01-2-5100-0254	Unsafe Structures	$ 1,500.00
From 01-2-5100-0261	Abatement	2,700.00
From 01-2-5100-0704	Office Equipment	800.00
To 01-2-5100-0240	Microfilming	5,000.00
Purpose: Continue Microfilming Program for Inspections Department.		
From 02-2-2010-0101	Fringes	$ 1,197.00
From 02-2-2010-0260	Supplies	1,678.49
From 02-2-2010-0700	Equipment	1,000.00
To 02-2-2010-0100	Salaries	3,875.49
Purpose: To maintain Civil Rights Analyst position until necessary tasks are completed.		
From 01-2-4130-0243	Uniforms	$ 2,000.00
To 01-2-4110-0233	M&O	2,000.00
Purpose: To purchase new motor for truck 11.		
From 01-2-4110-0232	Fuel for Hwy.	$ 6,000.00
To 01-2-4110-0233	Maint. & Operation	6,000.00
Purpose: To provide funds for the purchase of power steering and linkage for two apparatus.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 43-2-5080-0100	Contingency	$ 6,152.00
To 43-2-5090-0701	Computer/Hardware	6,152.00
Purpose: To purchase computer and equipment per DPARC recommendation.		
From 01-2-1080-0217	Fuel for Heat	$ 6,500.00
To 01-2-1080-0704	Mem. Aud. Sound Equipment	6,500.00
Purpose: To replace sound console at Memorial Aud.		
From 01-2-5060-0297	Gas Oil Grease	$265,000.00
To 01-2-5060-0299	Repairs Equip.	265,000.00
Purpose: To cover anticipated deficit for remainder of fiscal year.		
From 01-2-5060-0298	Tires/Tubes	$ 90,000.00
To 01-2-5060-0299	Repairs Equip.	90,000.00
Purpose: Same as above.		

Adopted: 4/17/84

HYMETTUS WOODS PARK - PROPERTY EXCHANGED - AUTHORIZED

Chairman Walters reported the Real Estate Committee recommends that a land exchange be authorized between the City and Owens Hand Browne of 1.06 acres for his 2.18 acres for the expansion and improvement of the Hymettus Woods Park at Dixie Trail/Wade Avenue. He indicated certain conditions to provide 250 lineal feet of split rail fencing, a paved access road and paved parking area for eight cars by Tri-City Builders, Inc. will also be a part of this property exchange agreement. It is also understood that all restrictive covenants on the entire park property will be deleted by the nature conservancy. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SURPLUS PROPERTY - 901 EAST HARGETT STREET - AUTHORIZED FOR SALE

Chairman Walters reported the Real Estate Committee recommends that the lot at 901 East Hargett Street be declared surplus and be sold for a minimum of $5,000 through a negotiated offer upset bid basis. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 500. (NA)

COMMUNITY DEVELOPMENT - FAIR MARKET ACQUISITION VALUES - ESTABLISHED; RESOLUTION OF CONDEMNATION APPROVED FOR 403 SOUTH HAYWOOD STREET

Chairman Walters reported the Real Estate Committee recommends that the fair market acquisition values on the following parcels be approved:

412 East Morgan Street	-	$68,700
416 East Morgan Street	-	$19,800
116 South East Street	-	$10,000
118 South East Street	-	$10,000
405 East Morgan Street	-	$48,100
409 Smithfield Street	-	$ 7,500

Mr. Walters indicated the Committee also recommends that a resolution of condemnation be approved to establish the value of property at 403 South Haywood Street. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BRAGG STREET DEVELOPMENT PROJECT - JOHN W. WINTERS REALTY DESIGNATED AS DEVELOPER

Chairman Walters reported the Real Estate Committee recommends that the City designate John W. Winters Realty as the developer for the Bragg Street development project subject to the negotiation of appropriate terms and approval by the City Council of those terms. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

CHAVIS POOL - PILOT PROGRAM OF FREE SWIMMING ON WEDNESDAYS - APPROVED

Earl Curry representing the Parks and Recreation Advisory Board was at the meeting indicating this is a proposal for a pilot program for a "free swim day" on Wednesdays at Chavis Pool only during the 12-week summer season of 1984. The proposed time would be from 12:30 p.m. until 6:30 p.m. During this time, admission will be free to everyone. He indicated it is their belief that a pilot program of this kind at Chavis Pool will encourage greater participation, greater care and increase the aesthetic interest in Chavis pool and its facilities. Additionally, pride in the pool will be enhanced. He indicated the Parks and Recreation Advisory Board believes that Chavis pool is capable of providing more revenue through participation, thereby

helping to control the problem of large deficit and other operating procedures. He indicated some of the local citizens remember how the participation used to be at Chavis pool and the park in general and they look for the time when participation can be strong again. He stated, hopefully, with the pilot program at the pool increased interest and participation will be as it was before. He stated when we look at other pool sites we find Chavis pool out of line when it comes to numbers participating in summer swimming programs. Therefore, the Parks and Recreation Advisory Board is asking the City Council for permission and/or approval to establish the pilot program as outlined. He stated this would not interfere with the playground program since the playground currently uses the pool on Mondays, Tuesdays, Thursdays and Fridays.

Mrs. Block questioned if the Parks Board considered lowering the fee at this one park since there seems to be lower demand. Ersell Liles, representing the Parks and Recreation Department, indicated as a part of this discussion, that did not come up. He stated they wanted to try this as a promotional effort to see if they can get greater participation at the pool. Brief discussion took place on the cost and the fee structure now. Mr. Calloway indicated he feels this is a good suggestion and he hopes that it will bring about increased use of the overall facilities. He stated if there are other innovative programs to bring about better utilization of the park, he wished that would be considered also. Mr. Calloway moved approval of the pilot program as outlined. His motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

COMPREHENSIVE PLAN AMENDMENT - COLLECTOR STREET PLAN - MAY 15 PUBLIC HEARING AUTHORIZED

The Comprehensive Planning Committee recommends that the Council authorize a public hearing for the regular joint hearing on May 15 to consider amending the Collector Street Plan by adding a street on the south side of the southern Beltline between State Street and Rock Quarry Road and realignment of Cross Link Road. Council Members received in their Agenda packets a map outlining this proposal. On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

ARTS COMMISSION REPORT/CONSULTANT - REFERRED TO WORK SESSION

Mayor Upchurch indicated by split vote, the Committee recommends that Administration be directed to proceed with the development of a draft request for proposals for a consultant to look at the Performing Arts Center feasibility in the Downtown area with the understanding the consultants work would be expanded to consider the cultural development city-wide. The Committee further recommends that the Council approve the long-range plan presented by the Arts Committee, in concept, and refer it back to the Arts Commission for reception of citizen input and subsequent submittal of a final long-range plan to the Council. On behalf of the Committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mayor Upchurch indicated the real issue before us is that we have been looking at the arts program and because of the tremendous amount of requests that the City is getting for fundings for arts programs, it is felt that we need to get a real handle on the direction we plan to go.

Ms. Babb indicated she would like to make a substitute motion pointing out the substitute motion would have several parts. First of all, she would move that the Council direct Administration to proceed with the RFP for a specific feasibility plan, study, etc., of a Performing Arts Center in the downtown with the provision that the consultant's contract may well be expanded to include development of an overall cultural arts plan for the City. She indicated the second part of her substitute motion would be that the general long-range planning effort for arts be referred to a Council Work Session specifically designed to discuss this item only at which time the Council could study the plan as submitted by the Arts Commission and, in the meantime, Administration could send the preliminary draft to other groups such as the Downtown Development Corporation, Planning Commission, Downtown Advisory Committee, etc., and ask them for their comments which would be received by the Council at the special Work Session. She stated at that time Administration could be directed to move forward with RFPs for a consultant, if necessary. Her substitute motion was seconded by Mr. Walters.

Mayor Upchurch indicated a lot of the items mentioned in Ms. Babb's motion he could agree with, with Ms. Babb pointing out she did not think she and the Mayor were that far apart. She stated her concern is that in the Council's eagerness to get the plan, the Council is leaving out a very important step. She stated she believes that everyone wants Raleigh to be a strong cultural center and the Council needs to know how it can move forward to make that happen. She stated we have got a lot of pieces that need to be pulled together but before the Council brings on a consultant, she feels that the Council itself must decide what direction it wants to take. She stated, in her opinion, a consultant does his best work when he is told exactly what is wanted. She pointed out the Council is the elected body and they should take the responsibility of deciding what is wanted and needed. She stated, in addition, she has had phone calls from people representing different art segments who indicated

that they did not have any input in this long-range plan. She stated she just did not see the Council leaping from the Arts Commission's Study to a consultant and called for the Council to have one Work Session so that all of this can be pulled together and just get ideas of what the Council would like to see Raleigh be. Mrs. Block indicated she would like to delay this two weeks and see the motion written out so she can be sure. Mrs. Cates indicated she was in full support of hiring a consultant for a feasibility study of a Downtown Performing Arts Center but she would also support the substitute motion. She indicated she is concerned about all of the arts groups that are coming to the City for funding and maybe the substitute motion could be split. After other discussion, the substitute motion was put to a vote with results as follows: Ayes - Babb, Congleton, Walters; Noes - Block, Calloway, Cates, Keller, Upchurch. The Mayor ruled the motion defeated. The original motion, as outlined by the Mayor, was put to a vote with results as follows: Ayes - Upchurch, Block, Calloway, Cates, Keller; Noes - Babb, Congleton, Walters. The Mayor ruled the motion approved.

Ms. Babb indicated she was just appalled at the action the Council had taken. She stated she believed that if this City Council were polled, she did not believe that any member could say what their vision for arts in Raleigh is. She indicated during the Committee meeting she asked the City Manager what would he put in the RFP and he said he didn't know. She stated we don't know anything about a dollar figure, how much money we are talking about, etc. She indicated, in addition, there are several agencies that haven't reviewed this plan and here we are moving to hire a consultant to say come up with an Arts Plan for Raleigh and not giving him any direction. She stated she had never seen this City Council do something like this, that is, taking action and we have no idea what the cost would be. Mr. Congleton indicated he was going to say put the whole thing in Work Session as he, too, did not feel that we had all the information we needed. He indicated he thought it should go to Work Session to study the whole arts plan but maybe go with the RFP for a consultant to study the feasibility of a Downtown Performing Center. Other discussion took place with Mrs. Cates indicating she would like to have Administration meet with the Council before proceeding with drafting the RFP so if there are those who have questions, they can be ironed out. Mrs. Block indicated she feels that everyone is trying to work toward the same goal, therefore, she would move that the previous action be rescinded and the whole matter referred to Work Session. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY ART GALLERY - COUNCIL CONCURS WITH LOCATION

Mayor Upchurch indicated the Downtown Committee recommends that the City Council concur with the City Art Gallery locating at 218 - 220 South Blount Street and authorized Administration to proceed with dispensing of funds ($27,739) as approved by the City Council in September of 1983. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

BOND ISSUE - POTENTIAL REFUNDING - REFERRED TO APRIL 19 SPECIAL COUNCIL MEETING

City Manager Benton indicated this item was reviewed at the April 3, 1984, Council Meeting and it was placed on this Agenda for a final report. He stated, however, the City Council has a Work Session scheduled on April 19 and he would suggest that the first part of that Work Session be a special City Council Meeting to take care of this and any other items relating to UDAG and/or the Redevelopment Plan that will be heard in the evening part of the meeting. Mr. Keller moved that a special City Council Meeting be scheduled for Thursday, April 19, to consider the possible refunding of the 1982 bond issue and other items as outlined by the Manager. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CIVIC CENTER - CONNECTION TO UNDERGROUND PARKING GARAGE - TO BE ON MAY 1 AGENDA

City Manager Benton indicated at the April 3, 1984, Council Meeting, approval was given to retain the firm of Haskins and Rice to design an underground connection from the Civic Center to the parking garage. It was noted that Administration would provide a proposed funding plan within 30 days. Council Members received a report on the proposed funding plan in their Agenda packet.

Recommendation: Since this item involves a complex funding approach, it is suggested that the item be held until the May 1, Council Meeting and then be acted upon at that time. Without objection, it was agreed that this item would be held until the May 1 Council Meeting.

POOLS - LAKE JOHNSON - REFERRED TO PUBLIC WORKS COMMITTEE; SKETCH PLAN OF LONGVIEW POOL - APPROVED

City Manager Benton indicated a specific site needs to be approved so that final design plans can be prepared for the Lake Johnson pool. He indicated the Staff Design Review Committee has reviewed the alternate sites and Council Members received a map showing the sites. Administration recommends that Site C indicated on the map be approved based on the general setting of the pool, compatibility with future park development and cost. Mr. Benton indicated the architect's sketch plan for the Longview pool has been reviewed and it appears to be consistent with the area plan

reviewed by the Council in earlier discussions. At this time, the details of pool configuration have not been finalized by the architect, however, Administration recommends that the sketch plan be approved with a pool length of 25 meters as a basic requirement.

Mrs. Block indicated she had studied the Lake Johnson pool location and was unable to determine exactly where the three alternatives were, where access would be, etc. The three locations were pointed out on a map available at the meeting and brief discussion took place on the ownership, cost of site development, etc. Mrs. Block moved that the location of the Lake Johnson pool be referred to Public Works Committee and maybe the Committee could make an on-site inspection. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Walters moved that Administration's recommendation on the Longview pool sketch plan be approved. His motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

ONE HANOVER SQUARE - ENCROACHMENTS - APPROVED

City Attorney McCormick indicated in working with the One Hanover Square project, it has been determined that they need two more encroachments of 3½ feet on the south and east side of the office site. He indicated they have seven columns that will encroach 22 feet and 34 feet underground, however, they need an encroachment agreement for this. He stated, in addition, they are requesting a 6-foot temporary construction easement so that they will have room to dig for the permanent footings. Mr. Keller moved the encroachments, as outlined, be authorized. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NEW BERN PLACE - CONDEMNATION - TO BE PLACED ON MAY 1, 1984, AGENDA

City Attorney McCormick indicated in working with the New Bern Place development as it relates to the White-Holman house that the City Council has authorized a condemnation relating to this house. He indicated the lessee is the Historic Properties Commission and the sublessee is the occupant of the White-Holman house. He indicated as lessee, the Historic Properties Commission needs to file an answer to the condemnation suit, therefore, he would recommend that the City Council authorize them to employ an attorney to file an answer to the suit. Brief discussion took place as to what is involved and why they would need an attorney to file an answer to the suit after which, by general consensus, it was agreed that this item would be placed on the next Agenda for consideration.

REPORT OF MAYOR AND COUNCIL MEMBERS

COUNCIL MEETING SCHEDULE - POSSIBLE CHANGES - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor Upchurch passed out a proposed Council Meeting schedule and asked that the matter be referred to Law and Finance Committee for study. Without objection, the item was so referred.

COMMITTEE OF 85 - CONCEPT APPROVED - COMMITTEE TO BE NAMED IN THE NEXT TWO WEEKS

Mayor Upchurch presented Council Members with information on the proposed Committee of 85. He indicated this is a proposal for this Committee to look at the possibility and/or feasibility of an arena or coliseum in the Raleigh Area. He indicated there are people who have volunteered to raise funds for this study, etc. He indicated the memo goes into detail as to how the funding would be handled through the City, how the Council would be involved, etc. He indicated he also requesting that each City Council Member submit at least five names to serve on this Committee. He stated he had had a number of calls from people who indicated an interest in serving pointing out this Committee could be set up and the work done without the concurrence of the City Council but he feels they should be involved. He stated at this point he is just asking the Council to accept this in concept and move forward to name the people to serve on the Committee in the next two weeks. Mrs. Cates questioned about how and what type commitment this would tie the City to with Mr. Upchurch indicating there would be no commitment on the part of the City. Mr. Keller moved that acceptance of the plan as outlined by the Mayor in his memo. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SOUTH SIDE LAKES - POSITION TO BE FORWARDED TO THE COUNTY

Mrs. Block indicated she knew that the County Commissioners were studying the Swift Creek watershed and she feels that the City needs to reconfirm its commitment to preservation of the south side lakes. She stated she felt this was especially true since we have learned that the Falls Lake has 27% less capacity than we had planned. She stated we have no plans for replacement of the treatment plant and she just feels that we should reiterate our position on preservation of the south side lakes. She asked that Administration be directed to send copies or similar letters to the County Commissioners as those that were sent to the State on this matter. She put that in

the form of a motion which was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HILLSBOROUGH STREET - TRAFFIC PROBLEMS - TO BE DISCUSSED IN PUBLIC WORKS COMMITTEE

Mrs. Block indicated she had a letter from Jennifer Edwards relating to traffic and parking problems on Hillsborough Street in the St. Mary's street area. She indicated they had done a very complete analysis of the problems and she would like for this to be studied by a committee. Mrs. Cates indicated the Public Works Committee has an item relating to this in committee and she had sent a copy of Ms. Evans' letter to Paul Carr and others. Brief discussion took place and it was agreed that this matter would be handled in the item on the Public Works Committee Agenda.

WATER PROBLEMS - LYNHURST DRIVE AREA - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Calloway indicated he would like to refer an item to Public Works Committee relating to the water problem on Lynhurst Drive. He indicated Assistant Public Works Director Beachum and he have visited and viewed this problem and it is felt that some of the problems are due to the widening of Cross Link Road. He stated he would like for the Public Works Committee to investigate these problems. Without objection, the item was referred to Public Works Committee.

STORM WATER MANAGEMENT PROBLEMS - REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Cates indicated the Council Members seem to continue to collect storm water management problems but we do not have the tools to do anything about the problems. She indicated she does see some encouraging things happening and she would hope the Public Works Committee could take a look at the storm water management problems and possible solutions and think about utilizing some best management practices that would at least prevent bigger problems. Without objection, an item relating to storm water management problems was referred to Public Works Committee.

RALEIGH LITTLE THEATRE - REQUEST FOR HANDICAP FACILITIES - REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Cates asked that an item be referred to the Public Works Committee relative to handicap facilities at Raleigh Little Theatre. She indicated in 1981 they asked for toilet facilities for the handicapped and at that time the estimated cost was $12,000. She stated, however, that was not approved and now it is estimated to cost around $21,000 to provide these facilities on the Pogue Street side of the Theatre. She stated she would like to refer this item to Public Works Committee for consideration. Without objection, the item was so referred.

GRAYWOOD AT HUNTLEIGH DRIVE - REFERRED TO ADMINISTRATION

Mr. Walters asked that Administration look into questions relating to a lot in Brentwood Today on Graywood Court as it comes into Huntleigh Drive. He indicated this has been a vacant lot and everyone thought it was an unbuildable lot, however, over the weekend, grading took place and he wonders if it is a buildable lot. Without objection, the item was referred to Administration.

PARKING PROBLEMS - AROUND FRED OLDS SCHOOL ON VOTING DAY - REFERRED TO ADMINISTRATION

Mr. Walters indicated he had received some complaints or comments relative to the parking situation around Fred Olds School on voting day. He indicated during the last election many people indicated they could not vote as they could not find any place to park. He indicated, in his opinion, all polling places should have at least one or two parking spaces somewhere at some convenient location and maybe we could allow parking on the street during voting days. Without objection, the item was referred to Administration.

RIGHT-OF-WAY - SIGNS - COMMENTS RECEIVED

Mr. Walters indicated the City has a policy of allowing no political signs and other signs on the City right-of-way and maybe the Parks and Recreation Department is not aware of this. He indicated he has seen places where signs have been taken up or mowed around and replaced and he feels as the Parks and Recreation people are maintaining the right-of-way, they should remove these signs. Without discussion, the item was referred to Administration.

TRANSIT SERVICE - CAPITAL TOWERS/NORTH RALEIGH LIBRARY - REFERRED TO ADMINISTRATION

Mr. Congleton indicated some time back he brought up a question relative to the possibility of having bus service between Capital Towers for easy access to the North Raleigh library branch. He indicated he received a reply from Administration but he just could not buy that this was impossible or should not be done. He indicated what he is talking about is having the transit service during nonpeak hours. He suggested that the item be referred to Administration and a letter be sent to the manager at Capital Towers asking the question of how many people would utilize the bus through this area. Without objection, the item was so referred.

THORPESHIRE DOWNS - COMMENTS RECEIVED

Mr. Congleton indicated recently an item was referred to Administration relative to problems at Thorpeshire Farm. He indicated the Mayor worked on this situation and he

had received a letter expressing appreciation for the work done by City Administration in solving the problem and he just wanted to make sure that letter of appreciation is made public.

TORNADO VICTIMS - COMMENTS RECEIVED

Mr. Upchurch indicated he wanted to publicly express appreciation to the City employees for their help with the tornado problems in Red Springs. He indicated the City of Raleigh had sent truck and employees to help out and, in addition, the City employees contributed $1,018.57. He stated he thought this was a very good effort on the part of the Raleigh City employees.

REPORT OF CITY CLERK AND TREASURER

SIDEWALK ASSESSMENT ROLL 200 - RESOLUTION SETTING PUBLIC HEARING ADOPTED

The City Clerk presented Preliminary Sidewalk Assessment Roll 200 relating to the installation of sidewalks on the south side of Wade Avenue from Glenwood Avenue to St. Mary's Street with the recommendation of adoption. This would set a public hearing to consider confirmation of cost during the May 15, 1984, Council Meeting. Mr. Congleton moved approval of the resolution as presented. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 501

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 200

WHEREAS, by Resolution No. 1982-822 adopted by the City Council on February 2, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on the south side of Wade Avenue from Glenwood Avenue to St. Mary's Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $9,721.73.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
1300 St. Mary's Street Assoc. & Juris Partners	1	0058280		1300 St. Mary's Street	$ 609.00
Emerik Properties Corp.	2	0043171		Wade Ave.	855.30
Hillhaven, Inc.	3	0030847		616 Wade Ave.	507.15
H. Gary & Betsy Hutchinson	4	0034460		612 Wade Ave.	262.50
H. Gary & Betsy Hutchinson	5	0052581		608 Wade Ave.	141.75
John S. Holloway & Ralph Reeves, Jr.	6	0032482		606 Wade Ave.	210.00
Nancy H. Dameron & Miriam H. Hunt, Et al.	7	0051255		600 Wade Ave.	498.75
James R. Wright	8	0079899 0065582		528 Wade Ave.	736.40

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
George & Nickye Venters	9	0097806		905 Williamson Dr.	595.91
George & Nickye Venters	10	0065581		Wade Ave.	805.00
TKB Investment Co.	11		2-9	Wade Ave.	1,419.56
Martin Development Group, Inc.	12	0127950	10-11	Wade Ave.	1,460.30
Methodist Home for Children	13	0089751	12	Wade Ave.	878.18
North Carolina Conference of Methodist Church, Inc., Trustees	14	0051214		523 Wade Ave.	741.93

Cost Per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 200 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 15th day of May, 1984, at 7:00 P.M. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/17/84

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The City Clerk indicated Council Members received in their Agenda packets four proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the list in relating to clerical errors during the month of February. Ms. Babb moved approval of the tax resolutions and the listing as recommended. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 502

A RESOLUTION RELIEVING INTEREST FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, interest was assessed against the property owners listed below; and

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following interest be relieved against the following named persons:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1983	Andrews, William F. & Dorothy P.	01-2-002039	$ 19.22	Relieved
1983	Carroll, Woodrow Wilson	01-2-0011964	8.69	Relieved
1983	Hicks, Mable Lewis	01-1-0030612	12.65	Relieved
1983	Rogers, John II & Mary S.	01-2-0097068	21.91	Relieved
1983	Rogers, John T. IV	07-2-5244747	1.02	Relieved
1983	Varner, Harvey N., Jr.	01-2-0072635	15.60	Relieved

Section 2. That the following requests for interest relief be denied:

YEAR	TAXPAYER	AMOUNT
1983	Virginia W. Howell	$ 4.60
1983	Kurtz, Kenneth B.	9.31
1983	Nichols, Donald O. & Ellen J.	12.97
1983	Nowell, Jerry J. E. & Elizabeth	6.21
1983	Robertson, Karen M.	9.49
1983	Smith, G. Michael	10.40
1983	Stephens, Ralph L. & Sarah G.	11.75
1983	Stuart, Marlborough	7.44
1983	Suggs, Ray W. & Ann R.	10.62
1983	Alexander, William A. & Geraldine	5.38
1983	Allen, Jacob B. & Shirley K.	7.59
1983	Boseman, James L.	5.38
1983	Bumphus, Delois H.	7.32
1983	Bryant, Garfield Allen	4.72
1983	Dayberry, Claude A.	4.21
1983	Dowdee, Thomas E. & Dorothy F.	9.47
1983	Dunn, Kenneth L. & Muriel	1.29
1983	Einsle, Karl W. & Ann W.	8.43
1983	Elam, Theresa K.	1.30
1983	Emerson, Richard L. & Marilyn M.	9.87
1983	Fleming, Richard G. & Pamela W.	1.30
1983	Gerraro, Harriet Joan	8.29
1983	Haas, Conrad E. & Marie B.	14.20
1983	Hulse, Diane M.	1.30
1983	Israel, Daniel W. & Judith S.	8.58
1983	Iwanczuk, Gertrude	4.95
1984	Lofton, Annie Leach	5.67
1983	Neal, Thomas M.	8.40
1983	Peoples, David L. & Ruth K.	6.91
1983	Silvey, Edward & Joan D.	1.29
1983	Thompson, Larry P. & Kathleen E.	10.40
1983	Trumbower, Esther E.	7.54
1984	Walters, Jackie L. & Mary	14.61
1983	Welch, John V. & Pattie J.	8.64
1983	Williams, Joseph J. & Gertrude H.	7.60

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 4/17/84

RESOLUTION NO. (1984) 503

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Robert Earl Barefoot	01-2-5093085	$ 2,300	Relieved
1984	Rebecca Jo & Nadine M. Black	07-2-0092421	4,821	Relieved
1984	Robert Charles & Debra S. Bledsoe	01-2-5220355	7,230	Relieved
1984	Verne W. Critz	01-2-0054029	3,901	Relieved
1984	Dana A. Hancock	01-2-5836969	2,020	Relieved

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Cullum's of S.C., Inc.	01-1-5264488	87,310	Relieved
1984	John Eric Dillon	01-2-5755463	6,060	Relieved
1984	Hester Lockett Gregory	01-2-0073927	20,401	Relieved
1984	Donald Allen & Debbie Heller	07-2-5257905	10,738	Relieved
1984	Thomas Richard & Kay R. Hornaday	11-2-5260382	6,440	Relieved
1984	Chris J. Johnson	01-2-5248634	7,220	Relieved
1984	Maudie M. Johnson	01-2-5200125	3,090	Relieved
1984	Ulrich & Susan J. Kreidler	01-2-0050967	5,453	Relieved
1984	Ronald J. & Sharon D. Kwiatkowski	07-2-0113858	8,106	Relieved
1984	Dorothy H. Manly	01-2-0100418	9,421	Relieved
1984	Thomas E. & Anita G. Murphy	13-2-5257908	15,630	Relieved
1984	Moira A. Nyreen	11-2-5257911	6,400	Relieved
1984	Donald B. & Linda D. Reibel	01-2-0059280	41,227	Relieved
1984	Marguerite G. Surles	11-2-0110483	5,238	Relieved
1984	Judy Lynn Tedder	01-2-5257896	2,188	Relieved
1984	Jon Michael & Mary A. Wenger	01-2-0023709	7,980	Relieved
1984	168 Partnership	07-1-5264492	3,433	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1984	Bernice H. Booker	$ 1,540
1984	Richard O. & Judith G. Brenner	20,254
1984	Carolina Cardio-Pulmonary Services	150,975
1984	Martin P. & Cynthia A. Fletcher	5,004
1984	Kenneth M. & Gertrude H. King	13,988
1984	North Carolina Chapter American Institute of Architects	28,971
1984	Anit L. Patra	280
1984	Rions Junior Shoe World, Inc.	99,013
1984	A. M. & Ruth S. Witherspoon	8,008

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 4/17/84

RESOLUTION NO. (1984) 504

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed: NOW; THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Business Products Leasing Corp.	01-1-5055197	$ 56.49	Error-Illegal Billing
1983	Business Products Leasing Corp.	01-1-5055197	11.25	Error-Illegal Billing
1982	Cavanaugh, Nora K.	07-2-5827043	57.49	Error-Illegal Billing
1981	Cavanaugh, Norma K.	07-2-5751186	60.30	Error-Illegal Billing
1983	Cromartie, George D. & Mables	01-2-0015915	24.34	Error-Illegal Billing
1982	Cromartie, George D.	01-2-0015915	24.08	Error-Illegal Billing
1981	Cromartie, George D. & Mables	01-2-0015915	23.83	Error-Illegal Billing
1983	Downs, Russell Rigsby	01-2-5755870	41.05	Error-Illegal Billing

MATTERS SCHEDULED FOR PUBLIC HEARING

DOWNTOWN EAST/EAST SIDE REDEVELOPMENT AREA - HEARING TO CONSIDER AMENDMENT - REFERRED TO SPECIAL MEETING ON APRIL 19

This was a hearing to receive citizens input on the preparation of a redevelopment plan amendment to a portion of the Downtown East/East Side Redevelopment Area for the City Market Project (Market House Square). Downtown Planner Betts indicated the redevelopment project is in the area bounded approximately by East Hargett Street, South Blount Street, East Cabarrus Street and South Bloodworth Street and referred to as the Old City Market Area. He explained the objectives and proposed redevelopment activities including acquisition, relocation of businesses, residences, parking, clearance and construction activities. He briefly explained the Market House Square Project which is within the Downtown East Area and has been identified by the City as a priority Downtown project. He gave the estimated cost and the City's specific redevelopment actions pointing out the total private development costs are estimated to be approximately $7,600,000 initially and it is proposed that the private development costs be financed in part with redevelopment bonds and an urban development action grant as well as general obligation bonds. He presented an illustrated site plan and explained the festive retail project. The Mayor opened the hearing to the public.

Al Brothers indicated he was a business man in the Moore Square Area and his business is located on Blake Street. Mr. Brothers explained he had a dream of having a business in the Downtown area and located a possible building on Blake Street. He indicated he called Cranston Corporation to determine if that building was in the plan and was told it was not. However, one week later, he learned that it was in the plan. He stated he was at the meeting to basically ask why he and other business who want to cannot stay in their present location pointing out they are the type of people who are willing to make a deliberate contribution to the area. He stated some people felt very strongly about wanting to stay in the area and they have been making contributions to upgrade their property. He stated he had some serious problems about the City exercising its power of eminent domain pointing out he feels it is a serious mistake to throw the baby out with the bath water. He stated he would hope the plan could include allowing those persons who want to stay, to be allowed to stay. He indicated, in addition, he has some serious reservations about the real estate syndication and handed out an article that appeared in Forbes Magazine in December relating to real estate syndications and the dangers to potential investors. He indicated he feels a syndicated development flushes out the necessary mix. He spoke to the problems with absentee ownership pointing out that is one of the problems with the area now and we are just transferring the absentee ownership to other absentee owners. He stated you have to have people who live and work in an area and committed to an area to make it work pointing out that is why it has worked in Charleston. He indicated he feels, if left alone, Moore Square will develop by itself pointing out it is a historic district and it has guidelines that have to be followed. He cited Nash Square pointing out the situation has changed in that area. He called on the Council to bring in an outside expert that is not directly involved or related to the Cranston/Zuchelli-Hunter and look at the project and speak to the real estate syndication. Mr. Brothers gave out information on his concerns pointing out that it includes a list of questions about the current process as follows:

1. Lack of opportunity to participate.

   The City in selecting developers for Moore Square emphasized that locals be allowed to take a role in development. To date, the only role is removal.

2. Unworkable design plan.

   Certain aspects of the design as presented to the Moore Square Merchants Association are not feasible such as parking plan and traffic and service access areas.

3. Lack of backup.

   In the event of failure, what will happen to the parties involved: the City, the tenants, the land owners and the Cranston Corporation.

The packet of information also included a proposal from the Moore Square Business Association and the reprint of the article from Forbes Magazine. He stated the merchants and businessmen who are in the area have just not had any opportunity to participate in this venture and he would like to put his name in the pot to be involved. He stated he would like for the Council to consider some of the things that he has said and would like to have another expert opinion on how we are going about this and bring in some backup.

Ms. Babb questioned how the City is going to respond to Mr. Brothers' remarks with City Manager Benton indicating it could be referred to the Downtown Committee to work on the comments. He pointed out, however, if the City is going to submit a UDAG application, that we must act on this quickly. Ms. Babb pointed out Mr. Brothers is raising specific questions and she would like to know if we are going to have the option as to the structure of the deal with Cranston, that is, will everyone have to be absorbed by Cranston or will there be ways for the people to remain and be a part of the development. City Manager Benton indicated the information that has been provided to the Council previously indicates that the property would be assembled and handled as a single project. He stated Administration could give an answer to the

specific question after discussing it with Cranston pointing out this is a joint effort between the City and Cranston and that the City Council could not make a decision unilaterally. He indicated the City has been dealing with Cranston Corporation which is one of the largest urban development groups throughout the country. He stated, in addition, the City Council has retained the consulting firm of Zuchelli-Hunter and that firm is the City's expert to tell the City if the project is put together in a viable fashion. Mr. Walters indicated Mr. Brothers does have a point in that in almost all of Cranston's work it has been in a team effort with Zuchelli-Hunter. Mr. Brothers indicated it seems the signals they are getting from Cranston is that the power of eminent domain will be used. Ms. Babb pointed out when the previous Council decided to go with Cranston Development Corporation that one of the things that entered into the decision is that the City wanted to go with someone who had expertise around the country but the City emphasized, at that point, that they wanted the developer to involve local people. She indicated maybe the City Council hasn't monitored to make sure that has happened. After brief discussion, it was agreed to refer this matter to the special Council Meeting scheduled for April 19, 1984.

UDAG - CITY MARKET RETAIL PROJECT - HEARING - REFERRED TO SPECIAL MEETING ON APRIL 19

This was a hearing to receive citizens comments concerning the proposed Urban Development Action Grant (UDAG) application to the Department of Housing and Urban Development for the City Market retail project in Downtown Raleigh. The proposed grant will be for between 1.5 to 1.75 million dollars which will be for a loan to the developer of this project.

Downtown Planner Betts explained the City Market retail project, object and need, pocket of poverty area, etc. He gave a detailed project description in which he indicated this is a 55,000 square foot retail and restaurant facility, 18,000 square feet of office and 300 parking spaces. He indicated in constructing this project we would be relocating five families (ten people) and twelve businesses, fifty-five jobs, sixteen of which would be minority. He went over the funding of the project, repayment and economic benefits of the project. He indicated the funding would include a UDAG grant and the issuance of revenue bonds. He gave the UDAG guidelines as well as schedule pointing out it is hoped that we can submit the application no later than April 30 and would hope to hear something by July 1 pointing out if everything fell into place, we could see construction starting in the spring of 1985. In response to questioning, Mr. Betts explained how redevelopment bonds work pointing out the City would adopt the resolution authorizing the redevelopment bonds and that would allow the developer to go out and get with the banks and financing agencies but the City would not have any other commitment. The financing of the UDAG by the developer was also discussed. The hearing was opened to the public.

Lawrence Bradley, representing St. Augustines College, questioned the pocket of poverty boundaries with Mr. Betts outlining the boundaries. Al Brothers questioned the number of jobs pointing out Mr. Betts had indicated this would create some 430 jobs but we would be dislocating 55 current jobs so the net gain would be 375 jobs. He indicated this is with an ideal situation so he does not know if it is a realistic figure. He indicated everything outlined by Mr. Betts is on the assumption that investors are going to be flocking in and he feels we need an expert to give us a solid opinion or recommendation on this application.

John P. Greene questioned the effect on the South Park Redevelopment Plan if this UDAG is approved. Mr. Betts indicated South Park is in the pocket of poverty area but there would be no effect on the plan nor the funding as that is a different program. South Park Redevelopment Plan is being funded by the Community Development Block Grant and this is UDAG. City Manager Benton indicated these two programs are different and explained the UDAG Program. He pointed out one of the good points of the UDAG program is the Federal Government makes the loan to the City and the City, in turn, loans it to a developer who has come in with a project. The City receives the funds back and uses these funds in Community Development areas. The type of jobs that would be created was discussed briefly. No one else asked to be heard and by general consensus, the Council agreed to refer this item to the Special Council Meeting on April 19.

COMMUNITY DEVELOPMENT - PROPOSED BUDGET FOR FY 84-85 - HEARING - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a hearing to receive public comments on the proposed Community Development budget for FY 84-85. Assistant City Manager Yates presented Council Members with copies of the proposed CD budget. He pointed out in past years we have received over $13,000,000 to carry out activities in the CD areas of the City. He pointed out for the FY 84-85 proposed budget, the City did hold a hearing in January and this is the second hearing on this proposed budget. He indicated since the first hearing, representatives of the CD Department have met with the CACs that are most involved in the Community Development areas at least three times. He explained the five redevelopment areas, conservation areas and work that has gone on in the past including tri-party agreements, etc. He explained for the last two years the City hasn't allocated any money to the conservation areas as the money has been allocated in the redevelopment areas. He indicated we are working out of three grants as it relates to Community Development - 1982, 1983 and the current year. He explained the budgets for these years. He explained work that is ongoing and monies that are available. He indicated the time frame on some of the activities, particularly as it relates to the South Park area, have been set back one to two years so that monies could be put into the Downtown East area. He explained the proposed budget in full

including monies to be spent in acquisition, demolition, relocation, rehab, economic development, code enforcement, planning, public service, social service support, administration and contingency. The Mayor opened the hearing to the public.

John Stokes, representing the North Central CAC, presented a prepared statement expressing appreciation for the opportunity to present an assessment of the housing situation in their area. He presented a listing of a number of houses in which they are requesting the City to further enforce inspections pointing out many of the people have worked hard to upgrade their property and they have identified a listing of areas that need to be checked. He presented the list to the Council. John P. Greene indicated he feels the South Park area is being moved back two years to the advantage of other areas. He pointed out the plan for their area was adopted in January, 1980, and they were told it should be completed by 1985. However, they understand it is being moved back. He stated they have no recreational facilities in the South Park area except one adult mini park and they were promised that they would have a place for the children to play by 1982. He stated they are working on that now. He indicated they feel if they could get the housing as shown in the plan, they would be able to get people to move back into the area and upgrade the area. He questioned monies that will be loaned to developers and what the interest rate will be and terms and questioned when that money comes back to the City, referring to the UDAG grant, how it would be reallocated.

Naomi Cannon, 1705 Pender Street, indicated she got a loan in 1974 as the City came around and said her house did not meet Code requirements. She stated she had the house fixed to City's standards and it is now in A-1 shape but there are many houses in the area that need to be upgraded. She referred to houses between Pender and Waldrop Street indicating they need to be upgraded. She asked the City to send an inspector out to the area as she wants the rest of the houses in the area renovated pointing out her house looks like a rose in a bed of thorns. Lillian L. Jones, a board member of Gethsemane Rainbow, indicated at the first hearing they requested funding of approximately $40,000 and she just wanted to reiterate that request. Margaret Rose Murray, representing the Method Community, indicated she was at the first hearing and requested some $450,000 to get the Method Community started on a renovation program. She indicated they have quite a few elderly people who need help and they have the manpower but they need the money to buy materials, etc. She indicated they want to have a self-help program for the community. No one else asked to be heard and by general consensus the item was referred to Law and Finance Committee.

UNFIT BUILDING - 1811 EVERGREEN AVENUE - REMOVED WITH NO ACTION TAKEN

This was a hearing to consider adoption of an ordinance declaring the building at 1811 Evergreen Avenue unfit and directing that it be placarded. The property is owned by J. R. Bridgers. City Manager Benton indicated the repairs have been made, therefore, Administration would ask that this request be withdrawn with no action taken. Mr. Calloway moved that the request to declare 1811 Evergreen Avenue unfit be withdrawn with no action taken. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REQUEST AND PETITIONS OF CITIZENS

BROUGHTON ATHLETIC FIELD - REQUEST TO HAVE JOINT EFFORT WITH CITY ON FLETCHER PARK PROPERTY - REFERRED TO THE REAL ESTATE COMMITTEE

Timothy F. Brown, Jr., a student at Broughton High School was at the meeting indicating he represented the Broughton Student Field Committee which is a Committee of himself and he would like to talk with the City Council about his plan concerning Broughton's athletic field. Mr. Brown presented Council Members with a map of the Broughton area and gave a detailed description of the Broughton complex, scheduling of fields, etc. He indicated he had gone to the Wake County School Board and they agreed that something should be done and they suggested that he come to the City of Raleigh with the idea of the City of Raleigh and the Wake County School Board getting together and buying a tract of land at the old Methodist Home that could be utilized in a joint effort and would allow the field at Broughton to be used as a playing field with the land on the Methodist Home being used jointly by the schools and Raleigh citizens as a practice field or vice versa. He indicated if another field could be made available to the Broughton Students, either as a playing field or practice field, that the citizens of Raleigh would get more use of the Broughton facilities. He suggested the possibility of the school being allowed to use the field either for playing or practice between 8:00 a.m. and 4:30 p.m. and then it could be open for the citizens the rest of the day and weekends. He indicated this would allow citizens to use the Broughton facilities on a more controlled basis. He indicated he would eventually like to see a stadium constructed at Broughton. He talked about funds that could be raised through activities at a stadium and the difference in the athletic funds that are taken in at a game at Broughton and at Sanderson where they have their own facilities. He indicated this joint field could be useds by the school as well as by the City for softball, City league soccer, etc. After brief discussion, by general consensus, it was greed to refer Mr. Brown's remarks to the Real Estate Committee.

EDWARDS MILL VILLAGE ASSOCIATES - REQUEST TO POST BOND IN LIEU OF EXTENDING SEWER LINE - APPROVED CONDITIONALLY

Glen Howell, representing Edwards Mill Village Associates was at the meeting to request permission to post a bond in lieu of extending a sewer line across an undeveloped parcel on the south side of Edwards Mill Village Apartment property. Mr. Howell indicated this is a 220-unit apartment project and the sewer line that they are required to install is of no use to the project. He indicated they have stubbed the line under the road and would be happy to build the line at some future date if required by the City but he is at the meeting to ask permission to post a bond in lieu of constructing the sewer line at this point as it is not needed by the project. City Manager Benton indicated that the project, in accordance with general requirements of the City, is obligated to bring the line to Edwards Mill Road. He indicated it would be a City Council decision as to whether the Council would be willing to accept a bond and if the Council agreed to accept a bond, he would recommend that it would be for a specific time period or at the call of the City. He indicated the bond would be in an amount as recommended by the City to take care of installing the line. Brief discussion took place and Mr. Walters moved approval of allowing Edwards Mill Village Associates to post a bond in lieu of installing the sewer line across the undeveloped parcel and that the bond be for a two-year period or on the call of the City within that period, if needed. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

FALLS CHURCH ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

Mary Moore Ritchie, representing the Whitehall Community Services, had requested permission to discuss Falls Church Road with the Council. Mr. Congleton indicated Ms. Ritchie could not be at the meeting tonight and he would like to refer this item to Public Works Committee. Without objection, the item was so referred.

SANITARY SEWER EASEMENT - REQUEST FOR ABANDONMENT - REMOVED FROM THE AGENDA

Anderson Marlowe had requested to be on the Agenda to discuss abandonment of a sanitary sewer easement at 8500 Banister Court as a house in that location encroaches on the easement of 1½ feet. Mr. Marlowe was not at the meeting, therefore, the item was withdrawn from the Agenda with no action taken.

SEWER BACKUP - 817 MERWIN ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

Anne Lambert, 817 Merwin Road, indicated on January 7, 1984, the neighbors who live across and one house up the street from her could not flush the toilets in their house. She stated they called Roto-Rooter who came out and told them that it was not their problem but the City's. She stated at that time the neighbors called the City and employees came out and unstopped the sewer in the street above their house. She stated in doing so, a blockage was caused in the sewer line down the hill which backed up raw sewage over almost all the downstairs or ground level of her house. She indicated they could see sewage floating on the floor and her husband went out to tell the City employees what was happening but the sewage continued to come in the house with great force. She stated her husband went back and requested the City crews to remove the cleanout cap which was visible from the street. She stated when they did this, the sewage shot up from the cleanout valve into the yard and immediately stopped coming into the house. She indicated four City employee worked for about five hours removing the sewage from the house and she feels that this is an indication of liability on the part of the City. She indicated the next day they had professional cleaners to come out and clean the damage. She stated the following week the City's insurance adjuster came by and told her to file a claim and they did not hear from him for six weeks. She stated when they called him they were advised that the claim would not be honored. She stated the reason they were given for the claim not being honored was a section of the City Code and she called the safety coordinator to get a copy of this and she found that section of the Code was not in force at the time her house was constructed. She indicated she feels that the City was negligent in maintaining and unstopping the lines and since that time, the City has put that line on a one month check. She explained that they were allowed by the City to connect to the sewer lines and they do not feel that they should be liable for a section of the Code that was not in force when their house was constructed. She stated, in her opinion, the purpose of government is to protect the citizens and she just does not see why this claim was not honored. City Attorney McCormick indicated this section of the Code has been there since 1959. Brief discussion took place with City Manager Benton explaining the situation after which, by general consensus, the matter was referred to the Public Works Committee.

ABANDONED VEHICLE - 2300 MYRON DRIVE - ORDINANCE ADOPTED EFFECTIVE MAY 16

Chandra M. Thakur was at the meeting to appeal the Inspection Department's orders relating to an alleged abandoned vehicle at 2300 Myron Drive. Mr. Thakur indicated the car in question belongs to his father. He indicated he is a student at NCSU and this is a 67 model car and the engine needs to be rebuilt. He indicated he has been trying to save enough money to have the engine rebuilt. He indicated the car has been on the property where he lives since August and the owners want the car moved as they do not have enough parking for everyone. He indicated he took the engine for repair on March 27 and was told it normally takes about a week to do this repair but because they cannot get some parts, it has taken longer. In response to questioning, he indicated the car does have a current license as he had it licensed earlier today.

Brief discussion took place after which Mr. Mr. Walters moved adoption of an ordinance declaring this an abandoned vehicle effective May 16, 1984. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 339

AN ORDINANCE TO DECLARE THE VEHICLE AT 2300 MYRON DRIVE AN ABANDONED VEHICLE

WHEREAS, the Inspection Department of the City of Raleigh has inspected the vehicle at 2300 Myron Drive, more particularly described as 1965 Plymouth, Serial Number PS23F76120877; and

WHEREAS, said Inspection Department has found the vehicle to be identified as an abandoned vehicle under Section 12-7002 of the City Code; and

WHEREAS, the owner of said property has appealed the finding of the Inspection Department to the City Council under the provisions of Section 12-7005 of the City Code; and

WHEREAS, the City Council, after hearing all interested persons and reviewing the finding of the Inspections Department has determined that the findings of the Inspections Department are correct wish to adopt an ordinance specifically the vehicle declaring the vehicle as an abandoned vehicle and directing the Inspection Department to remove said abandoned vehicle.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the vehicle located at 2300 Myron Drive, as specifically described above, is hereby declared to be an abandoned vehicle by virtue of the conditions described above.

Section 2. The Inspection Department of the City of Raleigh is hereby directed to cause the 1965 Plymouth, Serial No. PS23F76120877 to be removed from the property.

Section 3. That this ordinance shall become effective May 16, 1984.

Adopted: April 17, 1984

Effective: May 16, 1984

SC-230 - REQUEST FOR VARIANCE IN DEFINITION OF SHOPPING CENTER AREA - REFERRED TO THE LAW AND FINANCE COMMITTEE

Ben Taylor, representing Ben Nottingham, was at the meeting indicating he is in a "catch 22" situation. He indicated he thought the City Code was fairly clear as it relates to shopping center areas on property not zoned Shopping Center. He indicated he has a 2-acre tract of property in the vicinity of U.S. 1/Marsh Creek that has two buildings on it and they want to put other buildings on the property. However, because of the definition of shopping center area which indicates 2.5 acres, the City staff is not able to process the plan. He stated he was at the meeting to request the Council to bring it forward through the site plan approval process but more specifically, he was asking for a variance in the definition that will allow this to come through the site plan approval process. Discussion took place with Planning Director Chapman indicating he felt that this request should be before the Board of Adjustment with Mr. Taylor indicating he did not know what he would ask the Board of Adjustment. After brief discussion, it was agreed to refer this item to Law and Finance Committee.

LYDIA BAPTIST EMERGENCY HOME - REQUEST FOR RESOLUTION OF CONCURRENCE - REFERRED TO LAW AND FINANCE COMMITTEE

A representative of the Lydia Baptist Emergency Home was at the meeting to request the Council's concurrence in the erection of 40 units for the elderly and disabled at 1717 through 1721 Poole Road. He indicated this is a nonprofit venture to be financed by HUD under the 202 Program and in conjunction with HUD's Section 8 Program. He indicated he was at the meeting to request the Council to adopt a resolution concurring with this project. Brief discussion took place with Mr. Walters indicating he thought this was in the right-of-way of Raleigh Boulevard Extension. City Manager Benton indicated there are several things that the City would need to address. One is the scattered site policy pointing out there is an exception for the elderly and handicapped. He indicated it is adjacent to redevelopment areas and we would need to check to see if there is a conflict with the Thoroughfare Plan as mentioned by Mr. Walters. He indicated it appears there would be no violation with the scattered site policy and any subsequent project would have to meet all City requirements including zoning, building code, etc. After brief discussion, the item was referred to Law and Finance Committee.

RALEIGH COMMUNITY HOSPITAL - REQUEST TO UTILIZE STREETS FOR ROAD RACE - APPROVED

Pete Spinden, representing Raleigh Community Hospital, was at the meeting to request permission to use City Streets for a 5,000 meter foot race on June 25 between 7:30 p.m. and 8:30 p.m. Mr. Spinden indicated they would like to use Navaho Drive, Bush Drive, Wolfpack Drive, and Tar Heel Lane. He indicated he had worked with the Police

Department. City Manager Benton indicated the Police Department has no objection provided the sponsors provide all signs or barricades needed and employ three off-duty Police Officers for security and point control. Mr. Spinden indicated he knew of this provision and had no objection. Mrs. Block moved approval of the use of City streets as outlined. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

THOROUGHFARE CONFLICT - LOT 196, BATTERY HEIGHTS SUBDIVISION - REFERRED TO REAL ESTATE COMMITTEE

Attorney George Ligon was at the meeting representing Bobby L. and Marie C. Banks who have purchased property known as Lot 296, Battery Heights Subdivision. He indicated they purchased the property in January with the thought of constructing a house. He indicated when his client came to the City of Raleigh to get a permit, it was denied as he was told it was in the right-of-way of Raleigh Boulevard Extension. He indicated he was at the meeting to request the City to either issue a building permit, purchase the property or give his clients a statement denying them a permit as the sellers have agreed to repurchase it if his client cannot build a house. City Manager Benton indicated this is in the proposed right-of-way of Raleigh Boulevard Extension and it does have a great impact on the property. By general consensus, the item was referred to the Real Estate Committee

THOROUGHFARE CONFLICT/SITE PLAN - THE VILLAGE AT COOPERS TRAIL - REFERRED TO LAW AND FINANCE COMMITTEE

Attorney Marshall Hartsfield was at the meeting indicating his client purchased property which is zoned Residential-10 and planned to build a 248-unit complex. He indicated, however, his clients have been advised that they would have to dedicate 3.92 acres and construct a thoroughfare known as Millbrook/Shelley Extension. He indicated when you deduct this 3.92 acres that the Planning Department says that amount of property has to be deducted from the density which will allow his clients to build only 208 units. He indicated he was at the meeting to ask that the policy be clarified as the Planning Department says that they cannot go any further with the plan until this problem is resolved. He read Code Section 10-2063b on which the Planning Department is basing their interpretation but pointed out this section also gives the City Council the authority to grant a variance in the density. He stated he was at the meeting to ask that the Council grant a variance that would allow his clients to build the 224 units pointing out the owner will dedicate the right-of-way for the Shelly/Millbrook Extension.

City Manager Benton indicated this item is complicated by several issues. One relates to how to compute the density as it relates to the proposed right-of-way through the property. He indicated the City has been consistent in saying that the right-of-way cannot be used in calculating the density. He indicated, in addition, this plan has an 1,800-foot private cul-de-sac which is not in accordance with the City's rules and right-of-way. Attorney Hartsfield indicated he understood the length of the private driveway is no longer a problem. Brief discussion took place as to whether variances have been granted before with City Attorney McCormick indicating the Council has allowed yard space variances and have allowed people to build in the proposed right-of-way but he does not believe that the Council has allowed the right-of-way to be counted in the density calculation. After brief discussion, by general consensus, the matter was referred to Law and Finance Committee.

REFINANCING - INFORMATION RECEIVED

City Manager Benton presented Council Members with information from the local Government Commission relative to refinancing bonds. He indicated this item will be discussed in the special meeting on April 19.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 p.m.

Gail G. Smith
City Clerk

emw/CCMIN3